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THE

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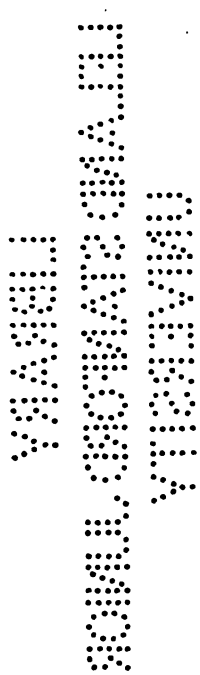

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PREFACE

IN accordance with the original plan of the *Cambridge Modern History*, this volume narrates the history of Canada, and of the colonies, French and English, connected with it, from their discovery down to the time at which Canada passed under the British Crown; secondly, that of the other English colonies in North America from their origin to the Declaration of Independence; and, finally, the history of these colonies after they had become the United States, from 1776 down to the present day. The departure from the general plan of this work, in thus presenting a continuous narrative of the history of a single nation during some three hundred years, is more apparent than real. The principle of arrangement laid down by Lord Acton was that the history of each people should be taken up at the point at which it was drawn into the main stream of human progress, as represented by the European nations. In the case of the North American colonies, this change may be said to have taken place in the latter half of the eighteenth century, especially during the Seven Years' War and the War of Independence. Consequently the earlier history of North America would naturally fall to be considered at the point where it is treated in our scheme, namely about the close of the reign of Louis XV and immediately before the French Revolution. But, although an intimate relation between America and Europe was established during the period 1756–1783, and although the outbreak of the French Revolution was partly due to this connexion, it was again severed after the Peace of Versailles, to be renewed only occasionally during many years. For upwards of a century from that date the United States remained, in a sense, an *alter orbis*, standing forth indeed as a primary example of a successful and progressive federated republic, and, as such, exerting a constant influence on the political thought of Europe, but not otherwise affecting the course of European affairs, and little affected by them in return. The United States seldom came into close political

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contact even with Great Britain during the greater part of the nineteenth century, and still more rarely with other Powers. It is only during the last generation that an extraordinary industrial and commercial development has brought the United States into immediate contact and rivalry with European nations; and it is still more recently that, through the acquisition of transmarine dependencies and the recognition of far-reaching interests abroad, its people have practically abandoned the policy of isolation, and have definitely, because inevitably, taken their place among the Great Powers of the world. This, we feel justified in assuming, was the principal reason which induced Lord Acton to decide on treating the history of the United States as a single whole, and to bring it down continuously to the present time.

In this respect, then, the scheme drawn up by Lord Acton has been exactly followed; but in regard to details certain divergences from it have appeared desirable. In order to prevent misapprehensions which may exist, and to which, indeed, publicity has recently been given, it may be well to state, with more particularity than at first appeared necessary, what is the nature and extent of our editorial responsibility.

The idea and general conception of this work, it is hardly necessary to repeat, were Lord Acton's own. He also distributed the vast subject-matter among the twelve volumes, and subdivided these into chapters, giving to each its appropriate title, and thus indicating in general terms its scope. For the writing of a large number of these chapters, but by no means of all, he had, before he resigned the editorship, enlisted the services of various authors, and had, in correspondence with them, defined more or less clearly the method of treatment and the limits of the matter which they were respectively to handle. But when the present editors took over the charge, they found that, owing to the efflux of time since these arrangements were made, to the deaths of some of the authors engaged and the withdrawal of others, and to other causes, a large part of the task had to be performed again. Moreover, when the plan and arrangement of chapters came to be more closely examined, considerable modifications appeared, in some cases, to be necessary. Connecting links had to be supplied, and gaps to be filled up; and it seemed desirable that, in view of the proportions of the whole, certain sections should be expanded or curtailed. In making these alterations, the editors believe that they have done no more and no less than would have been approved by Lord Acton himself, had he been able to complete his task.

In the arrangement of the first volume of this work, which was already fairly advanced at the time of Lord Acton's resignation, and in the distribution of its chapters, the changes made, though by no means inconsiderable, were comparatively few; in the present volume they have naturally been more numerous and larger. It is needless to enter into detail; but it seems well to state that, of the thirteen authors contributing to it, only five were appointed by Lord Acton; and that two or three chapters have been added to the list as planned by him. With regard to the actual work of editing, it should be stated that not all the chapters of the first volume were seen by him, and of the seventh volume at most five or six; while none of the chapters in either volume received the benefit of his revision. Of the other volumes only a chapter or two had been prepared at the time of his death. In the volumes which are to follow, the lamented deaths of Lord Acton himself, of Dr Gardiner, and of other authors who had undertaken to contribute, have necessitated a large reallotment of the work. The chronological tables, and the separate indexes appended to each volume, are additions not contemplated by Lord Acton.

With regard to this volume, the editors desire gratefully to acknowledge their obligations to the Right Hon. James Bryce, M.P.; Sir Frederick Pollock, Bart.; President Eliot; Professor A. B. Hart; Mr J. F. Rhodes; and especially to Professor J. Franklin Jameson, whose advice, kindly and promptly given, has been invaluable.

The death of Mr J. G. Nicolay prevented him from revising the chapters to which his name is attached. The editors desire to thank Miss Nicolay and Mr H. W. Wilson for their assistance in the revision of these chapters, and in the compilation of the bibliographies appended to them. Professor Wendell having been prevented by absence abroad from drawing up the bibliography bearing on his chapter, the duty of compiling it was kindly undertaken by Mr Chester N. Greenough, of Harvard.

A. W. W.
G. W. P.
S. L.

CAMBRIDGE,
May 1903.

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CHAPTER I

THE FIRST CENTURY OF ENGLISH COLONISATION

On none of the nations of Europe had the discovery of America an effect so great as upon England. From the trade of the Mediterranean she was wholly excluded; for that of the Baltic she competed at a disadvantage with the ports of the Netherlands and Germany. In the struggle for the commerce of the New World, England for the first time met all rivals on equal terms; and the scale was turned in her favour by internal conditions. Spain indeed had it in her power to have built up an empire beyond the Atlantic which might have ranked with Roman Gaul or British India. But that which an intervening ocean made difficult, the national life of Spain made impossible. Slave-holding became a necessity: a scanty colonial population was swamped and barbarised in its contact with inferior races; the thirst for gold strangled sober and patient industry. Most fatal weakness of all, the Spaniard underwent no such training for the work of administration as long experience of self-government had given to the Roman and the Englishman. No tradition of public morality barred the path of the self-seeking adventurer.

In France England might have found a rival for the control of North America. But the bigotry of Valois kings and Guise statesmen had alienated from them the one element most fit for the task of colonisation. The wars of religion had drained her natural resources and divided her inhabitants into two hostile camps. There was in France no lack of the daring spirit of adventure or of patient commercial industry; but the two qualities were not combined. In England there was no sharp line of division between the trader and the soldier; there was a plentiful supply of men who combined the heroism of the Spanish discoverer with a capacity for sober industry. Happily too for English colonisation, dreams of El Dorado and vague cravings for a colonial empire not built up by the steady labour of centuries but won in a moment by the sword, had died away before the epoch of colonisation proper began.

VIRGINIA

The discoveries of John and Sebastian Cabot and the colossal projects of Sir Humphry Gilbert form but a prelude to the real history of the American colonies. Gilbert's attempt was indeed an advance on anything that had gone before. Till he came on the scene there had been nothing but voyages of exploration and quests for gold-mines. In 1577 he obtained a patent of colonisation, not binding him down in any way to a choice of site and giving him full territorial rights over all land within two hundred leagues of the spot whereon he settled. Like later proprietors, Gilbert was invested with the power of making laws, provided they were not inconsistent with those of the realm.

Two obstacles, closely connected, thwarted Gilbert's efforts — the jealousy of Spain and the lack of discipline among his own men, largely due to the privateering spirit called into existence by Drake and Hawkins. That Spain should view any such attempt at colonisation with suspicion was but natural, inasmuch as what one may call the colonial literature of the time, the pamphlets in which views such as those of Gilbert found expression, teemed with denunciations of Spain and suggestions for her overthrow. Influenced in all likelihood by representations from the Court of Madrid, the Privy Council refused Gilbert permission to sail unless he bound himself over to keep the peace. Suspicion was confirmed by an alleged attack made by some of his followers on a Spanish vessel; and the prohibition was made absolute. It was disregarded. But in the very act of sailing under such conditions Gilbert was cutting away the roots of discipline. The fleet broke up (1579), and the attempt was a total failure. Four years later Gilbert made another attempt which cost him his life. This time he sailed with all the appliances needed both for a trading station and for a permanent settlement. But the old evil soon broke out; vessels straggled and turned to piracy. Nevertheless Gilbert reached Newfoundland, took formal possession, and erected a pillar on which were engraved the arms of England. But again discipline broke down. The settlers straggled; finally Gilbert decided to return, and with his vessel, the *Golden Hind*, was lost on the homeward voyage.

Ralegh had schemes more definite and practical than Gilbert's; with better fortune and perhaps more concentration of purpose he might have actually led the way in the work of colonisation. In his mixture of generous public spirit with aims of self-advancement, of grandiose imagination with patient application to detail, we cannot but be reminded of that striking figure which has recently been removed from English public life. But as a colonist Ralegh came somewhat before his time. He had not learnt what Englishmen had to be taught by more than a generation of sad experiences — that a successful colony

could only be built up by a large and unproductive expenditure of capital, and must be constantly tended and reinforced by men and material. Yet it is impossible not to see that Ralegh's scheme marked a very real advance in sound views of colonisation. Having obtained a patent identical with that granted to Gilbert, Ralegh sent out two exploring vessels under Amidas and Barlow. They landed near Roanoke in North Carolina (1584). Their relations with the natives were friendly, and they brought back glowing accounts of the country, on which the gallantry of the courtier or the egotism of the Queen bestowed the name of Virginia.

Next year Ralegh sent out seven ships with a hundred and eight settlers. They were under the command of Sir Richard Grenville. He was to start the colony. It was then to be left under the control of his lieutenant, Ralph Lane, a careful and courageous leader and a good soldier, as it would seem, but with no special aptitude for the civic duties of his post. The result showed that, before England could become an effective colonising power, she must shake herself free from the dreams of the gold-seeker and the methods of the privateer. Lane and Grenville quarrelled. A trumpery act of pilfering by the natives was punished with severity. After Grenville's departure, Lane, instead of striving to guide his settlers into habits of self-supporting industry, made a long and dangerous journey of exploration in search of mines and a passage to the Pacific. Squabbles with the savages culminated in an organised attack made by fifteen hundred warriors. This was however baffled by Lane's military skill and by the help of some natives who still remained friendly. In July, 1586, Grenville returned with reinforcements and fresh supplies; but it was too late. The settlers, wearied by their hardships and alarmed by the hostility of the Indians, had only a week before taken advantage of a visit from Drake's fleet and embarked for England. Grenville however left behind fifteen men, just enough to keep up communication with any future settlers.

Whatever Ralegh's moral shortcomings may have been, it is impossible not to admire the tenacity of purpose with which he clung to schemes, undoubtedly of public advantage and sound in principle, though the time for their fulfilment might not yet have come. Another party numbering a hundred and fifty was sent out, better organised and fitter for civic life than their predecessors, since there were among them seventeen women. Their leader, White, was, unlike Lane, a civilian, and did not suffer himself to be drawn off by vague schemes of exploration. White soon found that his colony could not as yet be self-supporting, and in 1587 he returned to England to petition for further help. His request was not neglected, and a fleet was fitted out under the command of Grenville to assist the colony; but at the last moment the alarm of Spanish invasion diverted the expedition. Ralegh did not however abandon his colonists. But two expeditions sent to their relief failed

because those in command of them preferred privateering against the Spaniards to fulfilling their appointed task. The colony perished, leaving behind only a vague tradition of dispersion among the natives.

The dawn of the seventeenth century rose on a somewhat changed England. Englishmen filled with the new wine of the Renaissance and united under a Queen whose rule, despite all its craft and meanness, appealed intensely to their imagination, had dreamt dreams and seen visions. A generation succeeded, not less enterprising, but more patient, more self-denying, more sane. The conception of colonies as centres from which Christianity might be spread through savage lands did not altogether disappear, nor did English emigrants at once give up the idea of rivalling Spain in the race for gold. But these ideas fell into the background. Colonisation designed to provide homes for surplus population, to expand alike the imports and exports of England, and thereby to develop her naval resources, now became the dominant motive.

In 1606 these ideas and schemes took definite shape. Colonies were no longer to be dependent on the resources or the purpose of a private individual. The trade with the Baltic and that with the East Indies were already under the control of associated companies. That principle was now applied to colonisation ; and a company was formed with two branches. One, with its headquarters in London, was to establish a plantation between the forty-fifth and thirty-eighth degrees of north latitude. The other drew most of its support from the West of England, and was therefore commonly, though not as it would seem formally, called the Plymouth Company. This was to establish another settlement between the forty-first and thirty-fourth degrees. For the present we need only consider the London Company.

The constitution of the Company involved a complex system of divided and qualified control, which had to be got rid of if the colony was to become a thriving community with any spirit of self-government. The Company itself was to have only a trading interest in the undertaking, to find the capital and receive in return certain commercial advantages. The government of the colony was to be vested in two councils, both nominated by the King. One was to be resident in England and was to be supreme in all political and legislative matters. The other, established in the colony, was responsible for local administration. Thus three authorities were set up, between whom a conflict of jurisdiction was inevitable.

In December, 1606, 143 emigrants were sent out. It is clear that the colonists were ill-chosen. They proved idle and discontented, without the courage necessary for explorers, or the patience and discipline to make prosperous settlers. Nor was there among their leaders any man who combined the natural gifts needed for the post with such a position and such antecedents as to give him authority. By far the best was that John Smith whose adventures, beyond doubt tinged with romance,

form so large a chapter in the early history of Virginia. He was undoubtedly brave, resourceful, and public-spirited, and in all likelihood a man of high moral character. But his position gave him no well-assured claim to ascendancy. The history of the colony from 1606 to 1609 is a wretched series of squabbles, difficulties, and failures.

The colony itself was unprosperous; those in England who were mainly responsible took no rational or effective interest in its well-being. But at least it was not suffered to slip out of public notice. In 1609, if we may judge by the pamphlets published and the sermons preached on behalf of the colony, there was a complete reawakening of public interest. In May of that year a new charter was granted. Under this one of the chief evils, the dual control exercised by a resident and a non-resident council, disappeared. The Company was incorporated. It might levy duties and wage defensive war on behalf of its own territories. The government was to be vested in a council originally nominated by the King but elected, as vacancies occurred, by the Company.

The first venture of the Company in its new and extended form was unfortunate. Nine ships were sent out with supplies and five hundred settlers. The fleet was scattered by a storm; and Sir George Somers and Sir Thomas Gates, the leaders of the expedition, were cast away on the Bermudas (July, 1609). After ten months they fitted up two pinnaces with which they reached Virginia. There they found everything in confusion. Smith had met with an accident and returned to England, and there was no one fit to fill his place. The Indians had become hostile. Such was the sloth and thriftlessness of the settlers that in a land covered with timber the very houses had been broken up for firewood. So impressed were Somers and Gates with the hopelessness of affairs that they resolved that the colony should be abandoned and the settlers embarked for England. Happily, at the very moment of departure, Lord Delaware, who before the departure of the fleet from England had been appointed captain-general and governor, arrived with three ships. There was no more talk of dissolving the colony. The Indians were overawed, supplies of corn were obtained from them, and an expedition was sent to the Bermudas to obtain fish and pork.

A few public-spirited men such as Delaware and Somers had given their money and their services from a disinterested wish to advance the cause of colonisation. But we may be sure that the majority of the members of the Company looked on their contributions as an investment, and grew disheartened as it became more and more clear that the colony must for many years be a source of unprofitable outlay. Delaware frankly told them that such settlers as had been sent out, sickly, unprincipled, and debauched, "ill-provided for before they come and worse governed when they are here," were not the material for a successful colony. The members of the Company seriously thought of relinquishing the enterprise as beyond their powers. Gates however returned with

accounts of the natural resources of the colony so enthusiastic that the energy of the shareholders was reawakened. A fresh expedition was sent out under Sir Thomas Dale, who was appointed High Marshal of Virginia. Dale's one experience of public life was as a soldier in the Netherlands; and he came to Virginia authorised to administer a military code of appalling severity. In June, 1611, Delaware left the colony. He was replaced by Gates; and in the interregnum Dale acted as governor, drilling the colonists into thrift and industry with such merciless severity as to provoke an insurrection, which was promptly and severely quelled. In August, 1611, Gates returned with a reinforcement of three hundred emigrants. He moved the settlers from Jamestown to a more secure and wholesome site, where a town called Henrico, with brick houses, a church, and a hospital, was built. A fresh plantation was established further inland and guarded with a palisade. Henceforth, to whatever hardships and dangers the colony might be exposed, there was no thought of departure or dispersion.

It is clear too, though no precise statistical details can be had, that the colony was now attracting a different and a better class of emigrants, independent landholders exporting their own servants, and freemen living by the labour of their own hands. Thus by 1619, the Governor, George Yeardley, a liberal-minded and humane man, though, as it would seem, a little apt to err on the side of laxity, ventured to summon a representative assembly. Each plantation and each of the counties into which the colony was divided returned two members. But it is not clear what constituted a plantation, nor who enjoyed the franchise. The assembly took upon itself certain judicial business; but its chief occupation was to pass, not a code of laws, but a system of regulations adapted to the special wants of the colony and supplementing the common law of England under which they lived. Meanwhile it is clear that a new spirit was at work within the Company. The control of its affairs was passing into the hands of men of wide social and political interest such as Shakespeare's friend the Earl of Southampton, John Ferrars the founder of Little Gidding, and Sir Edwin Sandys. Under them the affairs of the colony were administered with great energy and with a view rather to its ultimate prosperity than to immediate profit. Silk and iron were manufactured, and an attempt was made to cultivate vines.

In spite of the increased prosperity of the colony, it was urged against the Company that whereas more than five thousand persons had gone to Virginia, there were less than a thousand inhabitants, and that either there had been heavy mortality or many settlers had returned. The Company was torn asunder by internal dissensions; and an influential party was formed against Sandys, Southampton, and Ferrars. The King looked with suspicion and jealousy on the power and independent attitude of the Company; and the abuse of monopolies had made public

opinion distrustful of everything which savoured of commercial privilege. Meanwhile the government of Spain was watching the progress of the colony with jealous vigilance, and using whatever influence it possessed at the English Court for the overthrow of the Company.

In 1623 the King, acting under the advice of the law-officers of the Crown, demanded from the Company a surrender of its charter. This was refused. Thereupon a writ of *quo warranto* was issued, requiring the Company to justify its privileges as being for the public good. This, in the judgment of the Court before which the case was tried, they failed to do; and the charter was declared null and void. Liberal and public-spirited though the policy of the Company was in its later days, and little justice as there was in its overthrow, yet in all likelihood the colony was a gainer. The rule of a trading company in England must have fettered the free growth of the colony and sacrificed the permanent welfare of the planter to the temporary advantage of the merchant.

Meanwhile the colony had passed through a serious danger. At the outset the relations with the savages had been cordial. This was largely due to the personal influence of the Indian Chief, Powhatan, who was attached to Smith and whose daughter Pocahontas married an English husband and visited England. But in 1618 Powhatan died. His brother and successor Opechancanough had no friendly feeling to the whites. As so often happened, a personal quarrel between a savage and a settler kindled the flame. Fortunately an Indian convert gave warning; and an assault, which might have well-nigh extinguished the colony, ended in the loss of three hundred and seventy English. Persistency in attack, especially against anything like a fortified place supplied with fire-arms, was not in the nature of the savage; and the outbreak soon spent its force and subsided.

With the extinction of the Company the appointment of the governor and council devolved unchallenged, one may almost say of necessity, on the Crown. Thus the constitution assumed that form which henceforth became the normal type for British colonies, of a governor and two chambers, one nominated and one popularly elected. The economy of the colony soon put on that special form which it permanently retained. Those varied industries which the Company had endeavoured to foster came to nothing: tobacco became the one staple product of the country. The rapidity with which this article superseded all others was due to two special causes, over and above the natural aptitude of the soil. Intersected as the colony was with broad tidal rivers and creeks, water-carriage was brought readily to the door of every planter. He was therefore not controlled in the matter of exports and imports by any difficulties of carriage. Every planter had his own landing-stage, and was thus, without any elaborate machinery of warehouses or middlemen, brought into direct contact with the trade of the mother-country. The system of industry was already becoming that of the slave-gang. It

is obvious that, since slave labour is unskilled and unintelligent, the employer would so far as possible confine it to one product; while the cheapness of land absolved the farmer from the necessity of maintaining a rotation of crops. So completely did tobacco establish itself as the staple commodity of the colony that it soon became the recognised medium of exchange.

Between the dissolution of the Virginian Company and the outbreak of the Civil War in England, two events, of sufficient importance to deserve mention, broke the even course of Virginian history. In religious matters the colony, as a whole, conformed to the opinion of its founders, who belonged to the Church of England. But there was a sprinkling of Dissenters, and by 1642 they formed the whole or nearly the whole of the inhabitants of three parishes. These congregations applied to Boston, the intellectual centre of American Puritanism, for ministers, and three were sent. The majority, alarmed at this, passed a law requiring conformity to the Book of Common Prayer; and, as a consequence, the Puritan congregations dispersed and disappeared.

In 1644, the year in which the above-mentioned law was passed, the colony underwent a second attack from the Indians. The onslaught was well concerted and secret, and three hundred settlers perished. Twenty years before such a blow would have been regarded as well-nigh fatal. Contemporary references, though scanty, show that the colonists, with their increased numbers and resources, now held such an attack cheap. The war dragged on for two years, and was brought to an end by the death of Opechancanough. Between his successor and the English a formal treaty was drafted, fixing a boundary which no one of either race might cross without a passport. After that the land had peace for thirty years.

Virginia has been described as a cavalier colony, connected by origin with the class of great landowners. As a matter of fact, it may be safely alleged that the colonists mostly came from what may be called the upper middle class, the smaller landed gentry, with a leaven of the well-to-do trading classes. That being so, it was fairly certain that in the Civil War there would be nothing like unanimity of sympathy among the settlers; and so it clearly proved. But, though men differed, they did not hold their opinions with enough tenacity to endanger the peace of the colony.

The action of Virginia at the outset of the war was probably determined by the Governor, Sir William Berkeley, a frank, strenuous, blustering cavalier. An Act was passed declaring that all commissions given by the King were valid, and making it penal to express sympathy with the Parliament or disapproval of the Crown. But at the first show of force by the Parliament the royalist party collapsed. Two ships sufficed to enforce a surrender. Private rights were fully preserved; an indemnity was granted for all past offences against the

Parliament; and those who remained loyal to the King were allowed a year in which to arrange their affairs before leaving the colony.

As the overthrow of monarchy had been accepted in Virginia peacefully, so was the Restoration. It was not long, however, before the colony began to smart under the reckless prodigality of Charles II. During his exile he had rewarded some of his followers by a huge grant of territory in Virginia, including much that was already regularly occupied and cultivated. After the Restoration the representatives of the colonists obtained the revocation of that grant. But it was cancelled only to be replaced by one of wider extent and more dangerous import. In 1672 the whole soil of the colony was granted to Lord Arlington and Lord Culpeper with extensive proprietary rights, including powers to exact quit-rents, nominate sheriffs and land-surveyors, and appoint clergy. An agency was sent to England to oppose this monstrous invasion; and the protest was received with favour. A charter was drafted which, if carried through, would have been a document of the greatest constitutional importance, since it contained a clause providing that the colonists could not be taxed without the consent of their own legislature.

All this was brought to naught by an ill-timed outburst of popular fury in the colony. Various causes were at work creating discontent. A poll-tax had to be imposed to meet the expense of the agency. An Act was passed limiting the right of voting to landholders and householders and thereby disfranchising many electors. But the chief grievance of the settlers was the supineness of Berkeley in checking and punishing outrages by the natives. At last an enterprising young settler, Nathaniel Bacon, took up arms on his own responsibility. For this Berkeley treated Bacon as a rebel. What followed is somewhat obscure. For a time there seemed to be a reconciliation, and Bacon was restored to his rank as a councillor. Then again they quarrelled. Bacon obtained armed possession of Jamestown. Finally Berkeley prevailed. Bacon died suddenly, with suspicions not unnatural, but probably unfounded, of poison; and his supporters were punished with a fury and vindictiveness which excited the displeasure of the Crown and brought about Berkeley's dismissal.

The choice of the next two governors illustrates a danger which was coming over colonial administration. Hitherto a colonial governorship had been but little of a prize. The governors had all belonged to the class of wealthy planters and had made their home in the colony. Now the official emoluments and patronage had increased to such an extent as to offer a temptation to a needy fortune-hunter. Lord Culpeper, who became governor in 1682, and Lord Howard of Effingham, who followed him, were representatives of a type of whom the student of colonial history sees a good deal too much. Culpeper was already tainted in reputation in the eyes of the colonists as one of the recipients of that

monstrous grant which has been described above. But, fortunately for the colony, neither he nor Howard was a man of concentrated or far-reaching purpose. By jobbery, and by devising new imposts for the benefit of himself and his creatures, Howard inflicted financial injury on individuals. The liberty of the colony as a whole did not suffer at his hands. There was indeed one exception. Howard claimed and secured for the governor and council what had hitherto been vested in the whole Assembly, the right of appointing the secretary to that body. This however was fully compensated by an advantage which the popular representatives had lately secured. At first the burgesses and the councillors sat as one chamber — an arrangement undoubtedly to the advantage of the council, the more permanent and united body. But about 1680 the burgesses acquired the right of sitting as a separate chamber.

The Revolution of 1688 was received with a tranquillity which shows how the political life of the colony had drawn apart from that of the mother-country. Nevertheless the triumph of Whig principles made itself felt in Virginia. The right of self-taxation was recognised in the instructions given to the governor. He was to "recommend" certain taxes to the Assembly. The representatives were to be "persuaded" to pass an Act giving the governor and council certain provisional powers of raising a duty in case of emergency.

With Howard began a system vicious in theory yet not without its practical advantages, whereby the nominal governor was an absentee, and his duties were discharged by a lieutenant-governor. That the office of governor should be bestowed on a wealthy and aristocratic non-resident was beyond doubt an abuse. A tribute was exacted from the colonists for a payment which, if made at all, ought to have been made from the English civil-list. But one must at least admit that honest and competent men were entrusted with what was virtually the supreme office in the colony. Such were Francis Nicholson, lieutenant-governor (save for a short interval) from 1690 to 1704, Alexander Spotswood (1710 to 1722), and Robert Dinwiddie (1751 to 1758). Nicholson and Dinwiddie were both at times violent and unconciliatory, and the former was far from decorous in his private life. None of them sympathised with the aspirations of the settlers after political freedom, or showed much enlightenment in their views as to the future of the colony. But they were all hard-working and public-spirited men, and clean-handed in money matters, according to the standard of their time.

THE NEW ENGLAND COLONIES

In the meantime Englishmen were forming other communities along the Atlantic sea-board. Of these by far the most important, both in their original aspect and their ultimate results, were the group known as

New England. It is the fashion to speak of "cavalier" Virginia and "republican" New England; to regard the one as representing the aristocratic, the other the plebeian, element in English life. That is but a faint approximation to the truth. More correct would it be to say that both mainly represented the English middle class, the class of the yeoman and the trader, neither being exclusively drawn from one or the other; but that natural conditions developed in Virginia a landed aristocracy, in New England a type of community which might either be called a wide and modified oligarchy or a restricted and severely conditioned democracy. In Virginia power insensibly found its way into the hands of the landholders; the great bulk of the population, the servants and bondsmen, whether white or black, stood outside the body politic. In the various New England colonies political rights were fenced in by religious qualifications more or less severe; but there was nothing which could be called a class permanently excluded from power. Citizenship was within the reach of all.

In Virginia there was no sort of corporate union below that of the State. A New England colony was made up of a number of smaller organisms, each with an intensely strong sense of corporate life. In both colonies a community far removed from the nominal centre of government, conscious of needs and aspirations which its rulers wholly ignored or misunderstood, drifted into half-conscious republicanism. But though the political creeds of the New Englander and the Virginian may have been in theory much the same, they were held in very different fashions. The Virginian might be aroused by an act of tyranny into passionate self-assertion, but he was incapable of that patient watchfulness, that continuous and systematic building-up of barriers against any possible encroachment which formed so large a part of the political history of New England.

In the fullest sense the New England colonies were the offspring and embodiment of Puritanism. The desire for a certain form of worship prompted their formation, and certain theological beliefs and moral principles were the underlying forces which determined their growth. Moreover it was Congregationalism, far more than any other influence, which determined the political form that the New England colonies were to take, and the spirit which directed and animated that form. The Swiss religious reformers regarded the individual Church, however small and externally unimportant, as being potentially an independent corporation. "Höngg and Küssnacht," said Zwingli, "is a truer Church than all the bishops and popes together." In the Old World such a view could not rise beyond the expression of a pious aspiration; in America it became in a sense a practical truth. The antecedents of the New Englander and his conditions of life predisposed him to republicanism; and this republicanism easily became a reality when it found an appropriate machinery created ready to its hand.

It will be remembered that the original Virginian Company had two branches — one the London Company whose fortunes we have traced, the other the so-called Plymouth Company. In 1607 the latter made an attempt to form a colony. The first expedition, commanded by George Popham and Ralegh Gilbert, landed at the mouth of the river Kennebec, in what is now Maine, but owing to climate and mismanagement almost immediately failed. The Company continued to exist, but without any of that energy and activity which marked the Virginian branch. Vessels were sent out to fish, to trade, and to explore, but nothing further was done toward the establishment of a colony. The members of the Company seem to have regarded themselves simply as landholders with territorial rights and no specific obligations. In 1620 the Company was reorganised with a new patent, and was henceforth known as the New England Company. But the change does not appear to have brought with it wider schemes or any increase of energy.

Colonisation on commercial principles and mainly, though not wholly, for motives of profit had, so far, failed in one instance and had won but incomplete success in another. Now a new force was to be brought into the field. In 1593 a congregation of Independents in London fled to Amsterdam in order to avoid the restrictions and penalties imposed by the English government on their worship. The results of the Hampton Court Conference made matters look even more gloomy for Nonconformists; and two other congregations fled to the Low Countries, one in 1606 from Scrooby, the other somewhat earlier from Gainsborough. It is with the former of these two that we have to deal. Their wanderings, their arrival in America, their early hardships, and their later prosperity have been told by one of their chief members, William Bradford, with almost unsurpassable force, dignity, and candour.

The refugees did not find the Low Countries altogether an acceptable home, mainly owing to a coarseness and dissoluteness of life, not to be wondered at in a country which had so long been the battle-ground of Western Europe. After some five or six years the leaders of the party began to think of a home beyond the Atlantic, where the members of the little flock might preserve their nationality as Englishmen and their separate individuality as a Church. After some deliberation as to the site for the colony it was decided to enter into negotiations with the Virginia Company. To this end two representatives were sent to England. In anticipation of possible opposition from the Crown, they were armed with a document in which their attitude to the civil power was set forth under seven heads. The document was an admission of the supremacy of the State in religious matters. We can hardly doubt that the concessions made in this document went beyond what a Puritan congregation would have been prepared to make if they had intended to remain in England. At the same time it may be taken as indicative of what we shall find abundantly proved, namely, the conciliatory and

acquiescent character of the Puritanism of Plymouth as distinguished from the militant and aggressive type of Puritanism which animated the later settlement of Massachusetts. "Pilgrim Fathers" is a wholly appropriate term as describing the Plymouth settlers: we miss a significant distinction if we apply it to their successors.

The poverty of the refugees was a difficulty which had to be surmounted. To this end the delegates entered into negotiations with certain London traders, who were, in modern language, to "finance" the colony and to receive in return all profits accruing after provision had been made for the subsistence of the settlers. This was to last for seven years: then the partnership was to be dissolved and the stock sold. The choice of a site for the settlement caused no little difficulty. Some of the London partners wished to settle under the Plymouth Company, not that of Virginia. Some of the intended colonists proposed Guiana. Then a project was started for settling on the territory of the Dutch West India Company. This last design was disapproved by the States General; and the agreement with the Virginia Company was ratified. Finally, as we shall see, the site of the colony was determined not of deliberate choice but by chance.

In August, 1620, after various mishaps and delays, the emigrants, one hundred in number, sailed from Plymouth in that historic vessel called the *Mayflower*. A stormy voyage brought them to a point far north of the Virginia Company's territory. The ship-master was ordered to sail south-west, but he disobeyed orders, and, as the pilgrims thought, of deliberate treachery, landed them in Cape Cod Harbour.

Owing to the various delays in sailing and the length of the voyage the emigrants had to face the winter unprepared. Their sufferings were great, and deaths were not a few. In similar circumstances Popham's settlers had despaired and fled; but the Plymouth pilgrims were strong in religious faith, and in the sense of a divine mission. Happily too, whereas Popham's colony had to face a winter of exceptional severity, the first winter passed by the Pilgrim Fathers was peculiarly mild. Fortunately for the colonists, their relations with the natives were from the outset friendly. Edward Winslow, one of the leading men in the colony, had some knowledge of medicine, and saved the neighbouring Indian chief when his life was despaired of; and the Indians in their gratitude befriended the settlers and instructed them in the cultivation of maize.

The alliance with the London merchants proved unsatisfactory. They looked exclusively or mainly to their own pecuniary gain, not to the permanent welfare of the community. Thus the colonists were glad to make an arrangement whereby, in 1627, the interests of the London partners were transferred to six of the chief settlers. The bargain bore hard on the settlers for the time being, but they were more than compensated by the increase of independence.

At the outset the system of industry was purely communal. The

land was tilled jointly; the live-stock was the property of the whole community; and the settlers worked under the control of the governor. This was so far modified in 1623 that each household was allotted a patch of corn-land. But in 1627, concurrently with the dissolution of partnership, there was a division of land and live-stock. The community thus assumed, not, we may be sure, as the result of conscious imitation but through circumstances, the form of an agricultural community in the Middle Ages. Each household had its own plot of arable land; the grass land was in two portions: one was the waste where all freeholders had equal enjoyment of the common pasturage; on the other individuals had temporary rights of occupancy. The material prosperity of the colony was well shown by the fact that, so early as 1625, they were able to produce surplus corn, which they sold to the neighbouring Indians.

In a little community consisting of one town, the term "constitution" seems almost inappropriate. Laws were passed by the whole body of freemen. They elected a governor and a committee of seven, called assistants, who transacted such judicial and executive business as there was. The first governor was William Carver, chosen on landing. He died before a year was out, and was succeeded by William Bradford, who has already been mentioned as the historian of the colony. He held office till his death in 1657, with some few intervals of a year each, all of his own seeking. Fortunate indeed it was for the colony to command the services of one so fully and so deservedly trusted and beloved. The necessity for more complete political machinery was forced upon the colony by its expansion. By 1630 two new townships had been established. A representative Assembly was then formed of delegates from the three towns. In theory both the primary Assembly of the whole body of freemen and the Court consisting of the governor and assistants still existed. In practice the functions of the Assembly were transferred to the delegates; and thus there came into existence, by a natural process of development, a bi-cameral legislature with a governor at its head.

Before this time another colony had come into existence in the neighbourhood of Plymouth, far more numerous and wealthy, and more representative of the essential spirit of English Puritanism. Plymouth represented Puritanism distressed and struggling; Massachusetts represented it vigorous and aggressive. The creation of Massachusetts was, more than most things of human contrivance, deliberate and preconceived. Yet even here several of the steps were fortuitous, the result of failures dexterously utilised.

While Plymouth was slowly working its way to prosperity, other scattered plantations sprang up along the shore of New England, most of them under grants from the North Virginia Company. Some came

into conflict with Plymouth; some disappeared or were absorbed; some, as we shall see, became independent colonies. None had directly any lasting influence on the Puritan colonies of New England. They were in truth rather factories or stations for trade and fishing than regular colonies. For the present we are only concerned with one of these.

In 1623 some Dorchester traders started a fishing venture with a permanent station at Cape Anne in Massachusetts Bay. In 1626 they abandoned it as a failure, but left a foreman with some cattle on the spot. One of the company, John White, incumbent of Dorchester and a man of Puritan leanings, saw the possibility of building on this slight foundation. He and others who thought with him set forth their view in pamphlets. From these it is clear that their schemes were at once more daring and more far-reaching than those of the Plymouth settlers. The Plymouth settlers were fugitives fleeing to the wilderness from the hardships of the Old World. White and his associates were deliberately establishing a refuge where Puritanism, and those political views which were so closely bound up with Puritanism, might flourish and react upon the religious and political life of the mother-country.

In 1629 six partners, men of influence in the Puritan party, obtained from the New England Company a grant of land. They already possessed a fishing-station at Cape Horne in Massachusetts Bay. This station, one of the partners, Roger Endicott, was at once sent out to occupy and develop. His encounter with a disreputable squatter named Morton, who had erected a maypole, the overthrow of the pole and the monition administered to Morton, form a dramatic incident, fitly regarded as symbolical of the new force brought to bear on English colonisation.

In March, 1629, a step of the greatest importance had been taken. A royal charter was obtained, incorporating the Governor and Company of Massachusetts Bay. One noteworthy feature of the charter was that it did not tie down the Company to hold its meetings in England. Thus it was easy to transfer what was in form an English trading Company into something like a self-governing colony. The next step was to establish a government resident in America and nominally subordinate to the Company, consisting of a governor, deputy-governor, and a council of twelve.

In 1629 a fleet was sent out with 350 emigrants, three ministers of religion, and an abundant supply of live-stock. Later in the same year an important change was made. The whole interest of the Company was transferred to ten persons, all concerned in the prosperity of the future colony while at the same time the management of affairs was transferred to America. With that the Company, as a body distinct from the colony, disappears. The choice of a governor fell on John Winthrop, a Suffolk squire forty-three years old, a graduate of Cambridge with some legal training. Cast in the same mould and trained in much the same school as Hampden, Winthrop represented all that was noblest

and most attractive in Puritanism. His definiteness of mind and his constructive statesmanship were invaluable to a young colony, while his moderation, humility, and sweetness of temper enabled him to work with men of a narrower and more austere cast and to modify what might have been evil in their influence.

Some of Endicott's settlers had already established themselves in a settlement to which they gave the name which it retains, Charlestown. Winthrop and his company joined them. But Winthrop soon moved to Boston. The colonists were not, like those of Plymouth, kept together by dread of the natives; and within a year eight small settlements had sprung up along Boston Bay. Such a dispersion made some system of representation necessary, if the colony was to preserve its unity and its liberties. In 1632 delegates from the various towns met to settle a question of taxation. Two years later this developed into the creation of a regular representative body, which, with the governor and assistants, made up the legislature of the colony.

Two other measures were so far-reaching in their effect on the development of Massachusetts that they deserve special mention. In 1631 it was enacted that no one might be a freeman unless he belonged to a Church; that is, unless he accepted a complex theological creed and conformed to an exacting system of morals and devotion. In 1635 this principle was carried further by an Act which required the same qualification before a man could vote at a town-meeting. In the following year the rights of such meetings were determined by an Act conferring on townships the right to divide their land, to elect constables and surveyors, and to impose fines up to twenty shillings. This system of exclusiveness was not to be enforced without strife; and the early history of Massachusetts records a long series of ejections, mainly on theological grounds, though in some cases moral considerations came in and supplied a justification.

So early as 1629, while Endicott was provisionally in power, he had expelled two brothers, John and Samuel Browne, prominent members of the Council, because, being dissatisfied at the disuse of the Book of Common Prayer, they had collected a congregation and read the Church of England service. Morton, already mentioned, and another profligate named Gardiner, were banished; but their moral character was such that it would be unfair to set them down as victims of persecution, though probably the guilt of the parties was enhanced by their non-conformity with the dominant creed. But in 1631 and 1632 we read of punishment inflicted in two cases for speaking evil of the government, once for threatening to appeal to the Crown.

There was probably nothing in the character of any of these victims to call for any special sympathy. The evil lay in the principle of action, not in the application of it. But orthodoxy was soon to find more important victims. In 1631 there came to the colony a brilliant,

energetic, and attractive young Welshman, Roger Williams. Soon after his landing he was chosen minister of Salem. It is clear that his gifts were marred by that imperfect sense of proportion which makes a man fight with as much asperity for trifles and formalities as for vital questions. He differed as widely from the orthodox school of New Massachusetts as they did from the Church of England. He held in an extreme form the doctrine, utterly repudiated by Puritan teachers as a whole, that the secular power must not control or in any way meddle with religion. He was not inaptly called by one of his opponents, "a haberdasher of small questions against the power." Beside denying the authority of the colonial government in the sphere of religion, he seemed likely by his ill-timed zeal to embroil the colony with the Crown. He denied the validity of the charter, on the ground that the King of England had no right to grant away the territory of the Indian. Moreover, at his instigation, Endicott mutilated the royal ensign by cutting the cross out of the flag used by the local train-band at Salem.

In October, 1635, Williams was brought before the General Court of the colony, and, refusing to retract, was banished. He left the colony, and proceeded with a party of some twenty disciples to form a settlement to the south in Narragansett Bay. The Court, deeming this a dangerous proceeding, strove to arrest him, but failed. His success as the founder of a new colony will come before us again.

The rulers of Massachusetts had good reason for wishing to avoid being committed to anything like an unprovoked declaration of disloyalty. Massachusetts was endangered by the hostility of those who had suffered from the severity of her government and of those who saw in her existence a menace to civil and religious order. In 1633 the three chief members of the Company in England were brought before the Privy Council and interrogated as to the conduct of the colony. Next year emigrants to New England were required to take the oath of allegiance and to promise conformity with the Prayer-book. In the same year a royal commission of twelve, with Laud at its head, was appointed to administer the affairs of the colonies. So alarmed were the settlers at these tidings that they appointed military commissioners and made provision for fortifying Dorchester, Charlestown, and Castle Island in Boston Bay.

So far the authorities of the colony had only been brought into conflict with individuals. Their next strife was one of a different kind, one which seemed to threaten civil and ecclesiastical disruption. In 1635 the colony received a notable recruit in Henry Vane. In the following year there came to Boston a clergyman, John Wheelwright, who had been silenced in England, and with him his sister, Mrs Hutchinson, an acute and singularly resolute woman with a passion for theological controversy. The brother and sister taught doctrines whose divergence from the accepted creed can only be understood after a careful

study of Calvinistic theology; and a violent strife ensued. Vane, who had been elected governor in 1636, took the part of the new-comers. Finally, however, the party of Wheelwright and Mrs Hutchinson proved to be the minority and therefore the heretics. After two years of wrangling they were silenced and banished.

Along the coast of Massachusetts the proportion of fertile soil to habitable area is but small, and consequently, as the community throve and grew, the inhabitants began to consider the question of expansion. The pastures along the rich valley of the Connecticut offered a tempting home. The legislature of Massachusetts at first opposed the movement. Local compactness was almost an essential condition of that intense spirit of unity and minute State-control at which Massachusetts aimed. But material considerations outweighed these feelings. The emigration to Connecticut was complicated by the fact that the district in question was already claimed by one party and partially occupied by another. In 1631 Lord Saye and Sele, Lord Brook, and others had obtained from the New England Company a grant of land along the Connecticut. As they were of the Puritan party, this grant was not likely to act as a practical bar to emigration from Massachusetts. But it made it almost certain that, whatever wishes the legislature of Massachusetts might express, or whatever conditions they might impose, the colony when formed would be a separate body.

In 1633 a party from Plymouth had already established themselves, not without opposition from the Dutch, in the Connecticut valley. Two years later a party of emigrants from Dorchester entered the valley. A dispute with the settlers from Plymouth followed; but terms were arranged, and the Dorchester men were left in possession. Soon afterwards a small party, sent out by the patentees, were, according to their own story, also driven out by the men of Dorchester. It was fortunate for the peace of New England that the aims and views of the Connecticut patentees were virtually identical with those of the rulers of Massachusetts. The choice by the former of Winthrop's son John as governor of their district was a further guarantee. Massachusetts allowed the secession to become complete; and in 1638 three townships in the Connecticut valley formally declared themselves a commonwealth with a constitution similar to that of Massachusetts. In one point of great importance the constitution of Connecticut differed from that of Massachusetts. No religious test was imposed upon freemen. The more liberal spirit thus shown remained a characteristic of Connecticut during the whole of the colonial period.

The settlement of Connecticut involved New England in its first Indian war. The country near Boston Bay had been depopulated not long before the arrival of the settlers by a pestilence, followed after 1630 by an outbreak of small-pox. Whether attacked or attacking, blameless or culpable, some isolated trader was almost always at the

bottom of trouble with the savages. First of all, in 1633, a Virginian ship's captain named Stone was killed near the mouth of the Connecticut river. Two years later John Oldham, a trader who had previously given trouble to the authorities at Plymouth, was murdered. Neither Stone nor Oldham was a man of good character ; and it may well be that they provoked their fate. The former outrage was set down to the score of the Pequods, the latter to that of the Narragansetts — two tribes whose mutual relations were unfriendly. The murder of Oldham was avenged by Massachusetts in a raid which made little discrimination between the guilty and the innocent. The punishment for this fell, not where it was deserved, on Massachusetts, but on the weaker colony of Connecticut. Desultory slaughter of settlers went on, and communication with the coast became impossible. Worst of all, tidings reached the English that the Pequods and Narragansetts were about to join hands. There was one man in New England, the exile Roger Williams, who knew how to earn the good-will and confidence of the savages. Forgetting his grievances he went as an ambassador to the Narragansetts and secured their neutrality.

Connecticut naturally turned for help to Massachusetts and Plymouth. The rulers at Boston were too busy persecuting Mrs Hutchinson and her associates to give heed to aught else ; the men of Plymouth had been exasperated by the grasping policy of Massachusetts in matters of trade and refused to cooperate. Connecticut had to rely on her own courage and soldiership ; and happily these qualities did not fail her. A force of ninety men was raised ; and an old soldier trained in the Netherlands, John Mason, was placed at their head. Mason's original intention was to make straight inland against the Pequods. With the intuition of real military genius, he at the last moment changed his plan and by a forced march fell upon the flank of the Pequods and assailed their chief fort. The defenders had a vast superiority in numbers ; but bows and arrows were profitless against firearms and corslets. It is said that six hundred Pequods fell, and only two English, though of the latter more than one-fourth were wounded. The slaughter was no doubt merciless ; but the conditions of savage warfare make forbearance impossible. The few scattered bands that remained made but slight resistance ; and the Pequods ceased to exist as an independent nation.

When Roger Williams was banished from Massachusetts he purchased from the Indians a tract on the mainland. This in 1636 he shared with twelve other householders, forming a settlement which he named Providence. In four years the growing colony formed a second township ; and a simple form of government was instituted. Five "select men" were to transact all executive business, while the whole body of freemen were to hold quarterly meetings and to settle any judicial questions that might arise. About the same time some of those who had been banished from Massachusetts with Mrs Hutchinson purchased the island

of Aquednok, opposite to Providence. Their constitution was even simpler than that of Providence, since they had no "select men," but only a judge, William Coddington. In 1639 this settlement divided. The original settlers moved to Newport, and the island was shared between the two townships. In 1640 they reunited, and then a regular government was introduced, with two assistants chosen from each township.

In 1637 another colony was formed, which practically secured to the English race the whole sea-board from the Kennebec to Long Island. The man who had the chief hand in bringing this about was Theophilus Eaton, a leading man in the Baltic Company. As agent for that Company he had sojourned abroad, and had subsequently acted as English ambassador in Denmark. He was accompanied by men of better station and larger means than the generality of emigrants to New England. They established themselves at the mouth of the Quinipiac river, south of the Connecticut. It is noteworthy that neither they nor the settlers at Providence and Aquednok secured any title except by purchase from the Indians. This illustrates the fashion in which New England was, as it were spontaneously and half unconsciously, emancipating itself from the control of the mother-country. Of all the Puritan settlements, this most definitely and uncompromisingly asserted a religious basis for civil society. Not only were the rights of a freeman limited to Church members, but, when the community met to frame a constitution the minister, Davenport, preached a sermon in which he formally laid down the doctrine that Scripture is a perfect and sufficient rule for the conduct of civil affairs.

As the community consisted of a single township no system of representation was at first necessary. The executive power was vested in an elected governor and four assistants. The town received the name of New Haven. Other settlements soon came into existence in the neighbourhood, at first, like New Haven, independent townships. The advantages of union however soon became manifest, and what a Greek would have called a process of *synoikismos* took place. The exact steps are not recorded, but by 1643 New Haven was a colony with five townships and a representative system. The founders of New Haven were, in comparison with their neighbours, wealthy men ; and the town at the outset impressed visitors from Massachusetts with a sense of its dignity and even luxury. This however was short-lived ; and, before the colony had existed ten years, there were symptoms of commercial decline.

Though Puritanism was the dominant influence in bringing about the settlement of New England, yet we are not to suppose that it was the only one. New Hampshire, like New Haven, was formed by a process of consolidation out of a number of small independent settlements, some of them founded by men who were by no means in sympathy

with the dominant Puritanism of Massachusetts. The most noteworthy of these men were Sir Ferdinando Gorges and Captain John Mason. They, with certain other associates, founded a body called the Laconia Company, which obtained a grant of land at the mouth of the Piscataqua. There they set up trading houses not altogether without success, and made some fruitless attempts to discover mines. Mason seems himself to have been liberal and energetic, and to have spent money freely in furnishing his colony with the needful equipment.

In 1635 the territory in question was divided between Gorges and Mason, Gorges taking the northern moiety, Mason that next to Massachusetts. On this Mason appears to have bestowed the name of New Hampshire. It will be convenient to use this name; but it must be remembered that it had as yet only a territorial signification, and that it was not till later that it designated a political community. Mason died soon after 1635. His heirs made no attempt to carry on his work, and the colonists were left to take care of their own interests.

There were at this time two settlements in occupation of the district over which Mason had proprietary rights. One, near the mouth of the river Piscataqua, had been founded by David Thompson, an independent settler who had originally established himself in Boston Bay, but had withdrawn when Winthrop and his associates occupied that district. This had served as the nucleus of the colony formed by the Laconia Company. The other settlement was fifteen miles up the river at Cocheco, on land acquired by certain Bristol and Shrewsbury merchants. In 1633 they transferred their interest to Lord Saye and Sele and Lord Brook, with the result that an Independent congregation established itself there. Subsequently many of those who were driven from Massachusetts after the great religious strife found their way into New Hampshire. Some joined the settlers at Cocheco or, as it was now called, Dover; the others formed a settlement called Exeter further south. Shortly after this a settlement called Hampton was formed in the same neighbourhood under the jurisdiction of Massachusetts. The men of Exeter protested against this as an intrusion on their territory, but the protest went unheeded.

It was soon evident that the best thing which could befall these settlements was incorporation with Massachusetts. Separate agreements were drawn out in each case; and the three townships of Piscataqua, Dover, and Hampton became part of Massachusetts, retaining certain rights of local government more extensive than those enjoyed by the other townships of that colony.

The territory assigned to Gorges went through much the same history as that of Mason. In addition to his territorial grant from the New England Company, Gorges obtained a charter of proprietorship from the King (1639). On the strength of this he drafted a grotesquely elaborate constitution, with more offices than there were citizens to fill

them. All that resulted was two small settlements, one at Agamenticus, afterwards York, the other at Saco. At the same time other independent settlements sprang up within the proper limits of Gorges' patent. The New England Company, through carelessness and imperfect surveying, made many conflicting and overlapping grants of land. This had a very important effect on the future history of New England, since it was by annexing these that Massachusetts acquired its control over Maine.

The foundation of Connecticut and New Haven brought New England into contact with the settlements of another civilised power. In 1626 the Dutch West India Company had established a settlement, which extended up the valley of the Hudson and on to Long Island. The settlement, as a whole, bore the name of New Netherlands: the chief town, on Manhattan Island, was called New Amsterdam. This colony enjoyed nothing like the highly organised civic life of New England, nor even that of Virginia. It was at first little more than a trading station, with a scattered community of farmers attached to it, holding under non-resident landowners. The governor had almost despotic power: such control as was enjoyed by the citizens was doled out grudgingly by instalments and fenced in by checks which rendered it well-nigh valueless. The community depended largely on the Indian fur-trade. This and its paucity of numbers made it needful to secure the good-will of the savages, or, in default of that, to overawe them; yet the rulers of the colony and the Dutch settlers were conspicuously wanting in the capacity to do either. Nor was the colony happy in its governors. Peter Stuyvesant, who succeeded to office in 1647, was by far the best. He was brave, pious, and disinterested, but an austere martinet, utterly without that sympathy and flexibility needed in one who has to govern a young and expanding community. Between New Netherlands and New England there could not but be mutual jealousy. Before Connecticut became an organised community, there were quarrels between English and Dutch traders in the Connecticut valley. It was the settled policy of the English to press on southward and to occupy the land to which the Dutch made a *de jure* claim under their patent from the States-General. To this local source of strife was added another from abroad. Englishmen had been deeply impressed by the unscrupulous slaughter of their countrymen by the Dutch at Amboyna (1626); and it was not surprising if the next generation believed that the Dutch were capable of inciting the Indians to attack the New England settlements. Every movement which suggested the possibility of such an attempt was viewed with suspicion and alarm.

Thus a combination of motives, desire for religious and political unity, dread not only of Dutch and Indian attacks but of encroachment by the British government, and the want of machinery for deciding territorial disputes, all seemed to force upon the settlers the need for

some union between the various colonies. Negotiations for a federal union began in 1638, but it was not till 1643 that a confederation was actually formed. It included the four colonies of Massachusetts, Connecticut, New Haven, and Plymouth. The settlers at Aquednok and Rhode Island more than once applied for admission, but were refused. This was reasonable enough, since their political status was wholly different from that of any of the four constituent members. The affairs of the confederacy were to be managed by eight commissioners, two from each colony. Each colony was to make a contribution proportionate to its population, to be levied as seemed good to itself.

There were two obviously weak points in this system. The largest colony, Massachusetts, contributed more than the other members of the confederacy, but it neither possessed a larger share of control nor derived more benefit from the union than the rest. This begat a sense of injustice, which constantly showed itself in arrogant and high-handed treatment of the other confederates. Moreover the federal government had no means of acting directly on the individual citizens. They remained wholly and exclusively citizens of their own colony. The confederation was in fact no more than a permanent league. It is significant as showing how far the colonies had already learnt to regard themselves as independent communities, that throughout the business of confederation there was no reference to the government at home.

The natural ascendancy of Massachusetts, an ascendancy due to her superior numbers and resources and in no way softened by the manner in which it was used, soon made itself felt. Two Frenchmen were engaged in dispute over the governorship of the province of Acadia; one, Charles de la Tour, turned to Massachusetts for help. It was given, though in a half-hearted and ineffectual fashion, without any consultation with the other federated colonies, and in clear violation, if not of the letter, at least of the spirit of the federal constitution. Subsequently De la Tour applied to Plymouth, and was promised, though it is not certain whether he received, support. The proceedings of the two colonies were implicitly though not formally condemned by a resolution of the federal commissioners, to the effect that no federated colony should allow its subjects to volunteer in any cause unless with the approval of the commissioners. A few years later, it was rumoured abroad that the Dutch were stirring up one of the native tribes, the Nyantics, against the English. In 1653 seven of the eight commissioners actually voted for declaring war on the Dutch and their supposed allies. One commissioner only, Bradstreet, stood fast for peace; his colony supported him, and their influence prevailed. Again, in the following year, although Massachusetts actually consented to make war on the Nyantic Indians, yet the half-hearted spirit in which, under a Massachusetts captain, the campaign was conducted, gave rise

to grave suspicion and dissatisfaction. In fact it became abundantly evident that the ascendancy of Massachusetts was fatal to all those purposes for which a confederation exists.

The chief events which befell New England during the time of the Commonwealth, besides those already mentioned, were the incorporation of Rhode Island, the annexation of Maine by Massachusetts, and the dealings of the colonists with the Quakers.

Though the settlements on the mainland founded by Roger Williams, and those on the Aquednok founded by Coddington, were still distinct, they were evidently prepared for union, since in 1643 they had sent Williams to England to act as their representative and to secure their territorial rights. This was the more necessary, since the commissioners, in whom the Long Parliament had vested the government of the plantations, had made a grant of territory to Massachusetts which would have swallowed up Providence and left the island townships isolated. Williams came back with a grant from the commissioners incorporating Providence, Portsmouth, and Newport under the title of Providence Plantations. He also brought a letter to the government of Massachusetts reproving them for their previous treatment of Williams and his followers, but not abrogating the grant to Massachusetts. It was not till 1647 that the colonies concerned combined themselves into a community. In that year they established a General Assembly of the whole body of freemen, a governor and a body of assistants, with a court of commissioners from the various towns for certain limited purposes. The history of the General Assembly forms so curious a chapter in the history of institutions that it deserves special notice. At first it met in the various towns by rotation. Then, in 1655, a system was introduced whereby every legislative measure was voted on in each town separately and lost if not carried by a majority in each. This strange and cumbrous system held good till 1664, when the whole constitution was remodelled and an ordinary representative assembly established. The technical name of the colony was Providence, but it was more commonly known as Rhode Island, the name bestowed by the English on the island of Aquednok.

We come next to Maine. The outbreak of the Civil War left Gorges little time to attend to the affairs of his colony. He took up arms for the King, fought and was taken prisoner at Bristol, and died soon after. In the meantime one Edward Rigby had laid claim to the soil of Maine under an alleged grant from the New England Company. With the consent of Gorges' and Rigby's agents the dispute was referred to the government of Massachusetts, which settled the matter, in the fashion of Solomon, by dividing the territory and allotting three townships to each claimant. The settlers in the townships assigned to Gorges, after two unsuccessful attempts to communicate with his heirs, took their fate in their own hands. In 1649 the inhabitants of Maine

met and declared themselves a body politic, with an elective governor and a council representing the different towns.

It is clear that there were in the various townships of Maine, if not a majority, at least a substantial minority who sympathised with the religious and political views of Massachusetts. Even those who did not must have felt that annexation was better than the renewal of territorial disputes. The rulers of Massachusetts were wise enough to see that, the more gradually the process of annexation was carried out, the less chance there was of resistance or protest. By three separate acts of surrender, made in 1651, 1653, and 1658, the various townships of Maine, by a majority vote in each case, accepted the authority of Massachusetts.

The treatment of Mrs Hutchinson and Roger Williams effectively disposes of the grotesque delusion that New England was, or wished to be thought, a home of spiritual freedom. If more complete proof were needed, it would be found in the measure meted out to the Quakers. In 1656 two Quaker women landed at Boston. They were at once arrested, and carefully isolated; their books were burnt; they were themselves charged with witchcraft and in consequence brutally handled, and after five weeks' imprisonment were sent off to Barbados. Luckily for them, Endicott the governor was absent, and they escaped scourging, an omission which he regretted on his return. Scarcely were they gone when eight more of the sect appeared and were dealt with in like fashion. The matter was brought before the federal commissioners, who recommended that each colony should take steps to exclude the Quakers. In this action they besought the support of Rhode Island; but the government of that colony, with the approval of the whole body of freemen, answered with a firm refusal, setting forth the doctrine of freedom of conscience.

In all the New England colonies Acts were passed excluding or punishing the Quakers; but in none except Massachusetts did they meet with greater severity than would have been shown to clamorous heretics at that day in almost every country of the civilised world. Even Massachusetts was not unanimous. An Act imposing the penalty of death in cases of extreme obstinacy was only carried after a hard struggle, by a majority, as it would seem, of two. Under this Act three Quakers, two men and a woman, were hanged. Certain of the Boston clergy took a leading part in demanding the stringent enforcement of severe measures, and in defending the policy of intolerance.

The influence of the Restoration made itself felt in New England not by specific changes in the machinery of administration, but rather by a difference of spirit in its working. The first colony to feel this effect was New Haven. Two of the regicides, William Goffe and Edward Whalley, had crossed to America and landed in Boston. Thence they

fled, first to Connecticut and then to New Haven. Orders came for their arrest. The governors of Massachusetts and Connecticut were diplomatic enough to comply formally while they gave no real help. The governor of New Haven was less dexterous. He succeeded in keeping the secret of the regicides' escape, but the nature and manner of his answer betrayed his complicity. The fugitives themselves lived out their days in hiding, unmolested.

New Haven paid dearly for loyalty to its principles. In 1661 the younger John Winthrop, governor of Connecticut, went to England to obtain a charter for his colony. He had little of his father's definiteness or force of character, but he was genial and attractive, a man of varied interests, able to commend himself to those who differed widely from him in religious and political views. He succeeded in obtaining for his colony a charter of singular liberality, which confirmed the existing system of government by governor, assistants, and deputies. But the most important point in the charter was the grant of territory. Like the majority of such documents, the grant was confused in its terms, but one thing was clear; it was meant to include New Haven, and the government of Connecticut intended to enforce that view. One town, Southwold, at once accepted the new jurisdiction: elsewhere parties were divided. The government of New Haven protested and for a while held out; and the federal commissioners supported them in their protest. But the determination of Connecticut, backed by the home government, was too strong; and after three years of bickering the union was accepted. One township alone, Brainford, stood out; and its inhabitants emigrated in a body into the unoccupied territory near the Delaware, bearing with them their civil and ecclesiastical records. In 1663 Rhode Island obtained from the Crown the same favour that had been granted to Connecticut, a charter defining their boundaries and confirming their form of government.

The Restoration gave, as might have been expected, the signal for a series of attacks on Massachusetts on the part of those many enemies whom she had made alike by her merits and her errors. The Quakers appeared at first to have won a crowning triumph. A reprimand to Massachusetts for their treatment was sent by the King and entrusted for delivery to one who had himself been scourged and banished, with the result that all Quaker prisoners were released. In the next year the Court of Massachusetts drew up a manifesto at once elaborate in substance and temperate in tone, tracing the whole of their existing political system to their original charter. This was so far successful that the charter was confirmed, though with the restriction that the franchise should be granted irrespective of religious opinion. The necessity of "a sharp law" against the Quakers was admitted.

At the same time the representatives and namesakes of Gorges and Mason were endeavouring, by petition to the Privy Council, to reassert

their territorial rights, while Ferdinando Gorges, the grandson and heir of the founder, was taking steps to assert his authority in Maine. The Crown did not uphold Gorges' claim, but it suspended the question, and in 1665 set up a provisional government in Maine of which we know but little. In 1668 the government of Massachusetts, with the approval of the majority of the inhabitants of Maine, reasserted its authority over that district. In 1678 it finally extinguished Gorges' claim by purchase; and Maine continued incorporated with Massachusetts till after the Revolution. New Hampshire fared differently. The law officers of the Crown decided against Mason's territorial claim, but at the same time ruled that the territory in question lay outside the jurisdiction of Massachusetts. Thereupon the Crown, in 1679, created New Hampshire a separate province with a governor, a council, and a representative assembly. The first governor and at least one of the council were loyal citizens of Massachusetts; and the provinces remained friendly.

The last quarter of the seventeenth century was in every way a time of trouble for Massachusetts. Since the extinction of the Pequods there had been only one native tribe, the Pokanchet Indians, numerous and strong enough to be a source of danger. Their relations with the English settlers were continuously friendly till about 1670, when they were under the leadership of an able and warlike young chief called Metacam, better known by the English name of Philip. For some years there were alarming rumours of Indian hostility. In 1674 an Indian convert warned the English that there was danger. He was soon after murdered. Suspicion fell upon Philip, who anticipated an attack by falling on the settlements at the southern extremity of Plymouth. The settlers were ill-prepared; and, as we have seen, the machinery for united action was cumbrous and ineffective. Moreover the nature of an Indian invasion, as carried on by small parties making sudden and rapid inroads, rendered combined operations almost impossible. Every village had to become a fortified post and fight for its own hand. In November a day of humiliation was held at Boston; and the proceedings are instructive. The sins which had brought this calamity on the colony were chiefly neglect of worship, extravagance in apparel, the wearing of long hair, and lenity towards the Quakers. It is clear from the accounts left us by one who took a conspicuous part in the war that the English threw away no small advantage by their universal suspicion of all Indians, and by their consequent neglect to use even those who were friendly for scouting and irregular fighting.

When once the first rush of invasion was baffled, the superior resources of the civilised race were certain, if numbers were anything like equal, to secure victory. The settlers could import supplies; the savage engaged in war must neglect his hunting and fishing, and starvation must follow. In 1676, after nearly two years of warfare, the

Indian power was wholly broken, and Philip was hunted down and slain. Henceforth New England never had to dread the power of the savages save as a weapon wielded by the French rulers of Canada. The war, no doubt, brought with it heavy loss in life and in the destruction of farm-buildings, garnered crops, and live-stock; but all these are losses which can be quickly made good in the expansive life of a young community.

Simultaneously with this conflict an Indian war was being waged in Maine and New Hampshire, provoked mainly by the wanton and brutal murder of an Indian child and by the misconduct of an Englishman, who, being commissioned to arrest some Indians charged with killing settlers, used his authority to kidnap and sell friendly natives. This war was in every way humiliating to the English. It was marked by at least one act of gross treachery on their part; finally they had to buy peace by the humiliating expedient of paying a corn-tax to the savages.

New England soon found itself beset by dangers of another kind. At the Restoration the administration of the colonies was vested in special commissioners. In 1675 it was transferred to a committee of the Privy Council. During those fifteen years Parliament had passed a succession of Acts making up a definite system of restrictions on colonial trade. The chief features of the system were that only English vessels and English subjects might trade with the colonies; that the colonists were restricted to English ports for most of their exports and all their imports; and that certain duties were imposed on intercolonial trade. The duty of enforcing these regulations was vested in revenue officers appointed in England by the Commissioners of Customs.

The newly created colonial authority at once took measures for the more stringent enforcement of this system, and to that end sent out a special commissioner, as he would now be called, Edward Randolph, to enquire and report. Randolph reported specifically on the systematic violation of the Revenue Acts by the New Englanders, and more generally on their factious and disloyal temper. It was no doubt largely due to him that legal proceedings were taken against the charter of Massachusetts. Agents from Massachusetts protested and entreated in vain. In 1684 the charter was annulled by a decree of the Court of Chancery. It seemed as if the accession of James II had brought ruin to the constitutional rights, not only of Massachusetts, but of the whole body of New England colonies. The King himself had experience as a colonial proprietor, and an honest, though it might be a narrow and unintelligent, interest in colonial administration. He saw that it was of the greatest importance to bind the colonies together for administrative and defensive purposes, but he attempted the task in a manner which showed that he had not the faintest sense of the difficulties with which it was beset. The whole territory from the Delaware to the St Croix was consolidated into a single province and placed under the governorship of Colonel Sir Edmund Andros, a man of good private

character and of some colonial experience, a brave soldier, and more honest than most public men of that day, but wholly wanting in the intelligence and power of conciliation needed for the task before him. As a staunch churchman he was certain to be unacceptable to the people of Massachusetts.

In Rhode Island and Plymouth, where there was no influential class tenaciously wedded to political privilege, Andros met with little or no resistance. One township indeed, Ipswich, refused to pay taxes levied without the consent of the representatives. In Connecticut, when Andros presented himself and demanded the surrender of the charter, it was refused and the document itself hidden, if tradition be true, in an oak-tree. The struggle against Andros in Massachusetts bore no little likeness to the proceedings of the revolutionists eighty years later. In each case the colonists were not so much resisting actual oppression as warring against a system under which gross oppression would become possible. In each case popular opinion was stirred up by exaggeration and even slander. Thus Andros, a staunch churchman and a loyal and gallant soldier, was accused of seeking to convert the Indians to Popery and of encouraging them to massacre the settlers. In each case the administrators were tactless and blundering, and by their half-hearted tyranny at once excited opposition and failed to crush it. The parallel is incomplete in that, in the first instance, happily for both countries, the drama was cut short by external intervention, instead of working itself out to its natural climax; while the encroachments planned by James and entrusted to Andros were more far-reaching and more destructive to liberty than anything devised by George III and his advisers.

Representation was swept away; all administration, legislation, and taxation were vested in the governor and council. That council was, as vacancies arose, to be nominated by the King. Moreover all sense of security in property was overthrown by an instruction given to Andros to require that fresh titles to land should be taken out and paid for. There was no regular machinery left through which the whole colony could make a formal and constitutional protest. The townsmen of Ipswich, in their public meeting, protested against a rate levied by any authority but an elected assembly. For this action six of the leading men were fined and declared incapable of office; and an order was issued that no town should hold a meeting more than once a year. Increase Mather, an Independent minister of distinction and practical ability, was thereupon sent to England to plead the cause of the colonists. Like Penn, he accepted as genuine that policy of toleration whereby James was trying to win the good-will of the dissenters, and ingratiated himself with some of the most unscrupulous of James' supporters, though, unlike Penn, he did not pursue that policy so thoroughly and so overtly as to forfeit the good-will of those soon to be in power.

In April, 1689, the news of William's landing at Torbay was brought to New England by one John Winslow, who had with him copies of the Prince's declaration. Andros, instead of frankly confiding the news to the people and abiding the issue, imprisoned Winslow for attempting to circulate seditious documents. For a fortnight things were in suspense, the air full of vague rumours. Then the people of Boston rose, being supported by two armed parties from the country, one apparently at Charlestown, which was separated from Boston by a narrow strip of water, the other at the neck which joined the town to the mainland. Andros took refuge in the fort at the end of the town. The main part of his troops were in the castle on an island two miles off. If Andros had been the butcher that his enemies professed to think him he might have caused much bloodshed. He was no coward; and the ease with which he suffered himself to be overpowered and captured showed that he had no wish to fight the hopeless battle of a deposed Papist. As in England, an elected convention was established as a provisional government. In the other New England colonies there was no need for any exercise of force. The adherents of Andros, deprived of their head, made no attempt to carry on the work of administration; and in each colony the pre-existing machinery of government came again, as it were automatically, into force.

Yet the Revolution of 1688 did not leave the constitutional life of New England unchanged. The forfeiture of the Massachusetts charter might have been brought about in a corrupt fashion, but it had been effected by legal process. The King and his advisers were no doubt morally pledged to a regard for constitutional rights and representative institutions. But it was also very certain that William would look with more anxiety than his predecessor on the possibility of French invasion, and would be slow to grant any privileges which would interfere with combined resistance. Accordingly when a new charter was granted to Massachusetts, no changes of great importance were introduced. There were to be, as before, a governor, a council, and a representative assembly. The governor, lieutenant-governor, and secretary were to be appointed by the Crown, and all judicial and military appointments were to be vested in the governor. The franchise was no longer limited to church-members, but granted on a property qualification. At the same time popular rights were secured by the provision that the council, though at the outset nominated by the Crown, was thereafter to be chosen by the General Court, consisting of the governor, council, and house of representatives. The old religious oligarchy became a thing of the past. Henceforth Massachusetts was an ordinary Crown colony, enjoying constitutional rights neither greater nor less than those granted to any such community.

Territorially Massachusetts both gained and lost. Plymouth was incorporated with the larger colony, apparently without any protest or

disapproval. On the other hand one Allen, who had bought the rights of Mason's heirs, contrived, as it would seem through the corrupt connivance of an English official, to get the territory of New Hampshire separated from Massachusetts. Allen himself was appointed governor; there was to be a council nominated partly by him, partly by the Crown, and a representative assembly elected by the freeholders. There was no declaration to show how far this was intended to be permanent. In the case of the other two colonies, Connecticut and Rhode Island, the law officers of the Crown decided that the forfeiture of their charters by James was invalid.

MARYLAND

We must now go back to a colony whose origin was nearly contemporary with that of Massachusetts. In 1632 George Calvert, the first Lord Baltimore, a Roman Catholic, received from Charles I a grant of land immediately to the north of Virginia. He had already tried to form a settlement in Newfoundland. The severity of the climate and the hostility of certain Presbyterians settled there led him to give up the attempt. With his company he emigrated to Virginia. There he fared no better. The colonial government required him to take the oaths of supremacy and allegiance, and thereby to renounce the spiritual and ecclesiastical authority of the Pope. Baltimore, as a peer, was exempted from the second of these oaths; and it is doubtful whether any authority resident in Virginia had a right to administer either. Instead of resisting, however, Baltimore withdrew.

In the same month in which Baltimore received the grant he died. The grant was confirmed to his son and successor, Cecilius, and was embodied in a charter giving not only territorial but also political rights. The colony thus constituted was the first instance in which a portion of the rights of sovereignty inherent in the Crown was transferred to a subject. The proprietor was authorised to make laws with the advice of the freemen or their representatives; that is to say, a system of popular government was suggested, but so vaguely as hardly to impose on the proprietor any definite restriction. The Crown divested itself of any right to levy taxes within the colony. All churches and places of worship were to be consecrated according to the ecclesiastical laws of the Church of England. It does not appear certain what liberty of worship was left to Roman Catholics; but we may at least say that the religion of the proprietor was allowed only a subordinate position.

In the autumn of 1633 Baltimore sent out three hundred emigrants under his brother Leonard, accompanied by two priests belonging to the order of Jesus. In material matters the colony was prosperous from the outset. It is evident that the settlers were both well chosen and well provided. The social and industrial organisation of the colony proceeded

on the same lines as those of Virginia. There were small independent proprietors, tilling their own land, and large estate-holders working with gangs of indented servants; and, as in Virginia, the economical advantages of the latter system virtually crushed the former out of existence. The constitution of the colony eventually conformed to the normal pattern with a governor and two chambers; but some years elapsed before it definitely took that shape. As in the case of other colonies, the primary assembly of freemen preceded a representative assembly, and only gave way to it as the colony expanded. As elsewhere, too, the deputies and the council sat together. The proprietor seems at first to have claimed the right to place his own nominees on the council without any limit of number. In 1647, however, the two chambers were separated; and the proprietor's right to create councillors became practically innocuous.

The relations of the settlers with the savages were friendly; and the only hostilities in which they were engaged were with their civilised neighbours. At the very outset, as we have seen, there was no friendly feeling between Virginia and the proprietor of Maryland; and events soon widened the breach. The dispute was the first of a type which we shall meet almost continuously in colonial history, a quarrel due to the reckless and slovenly fashion in which the English government dealt with the soil of the New World by granting tracts with no precise definition of boundaries, and in some cases almost openly and avowedly making grants that overlapped. This was manifestly the case with Virginia and Maryland. A tract of sea-coast nearly a hundred miles long was included in each grant. The island of Kent, just off the coast, and at the northern end of the debatable land, was a point of special importance. It was used as a trading station by a small company of Virginian merchants, and so early as 1625 contained a hundred settlers. It was separated from the rest of Virginia by a stretch of unoccupied territory. The utility of the island for the Indian trade made it specially desirable to Virginia; proximity seemed to attach it naturally to Maryland; its detached and therefore vulnerable position made it specially important that the place should be held definitely and securely; while the character of Clayborne, the manager of the trading station, enterprising, unscrupulous, and a strong Protestant, made it certain that the claims of Virginia would be resolutely upheld. The Virginians in the first instance appealed to the Committee of the Privy Council for the Plantations and to the Crown, and got from both an equivocal reply. The advisers of the Crown suggested a compromise; but it was clear that nothing was further from the thoughts of either side. In 1635 the crews of a pinnace belonging to Clayborne and of two vessels sent out by Calvert came to blows; and lives were lost on both sides. No decisive result was reached, and the Isle of Kent remained a source of possible dispute till the matter became an incident in a wider struggle.

In 1644 the colony became entangled in the Civil War. Calvert and Ingle, an ally of Clayborne, had each received letters of marque, the former from the King, the latter from the Parliament. Ingle and Clayborne then made a successful raid into Maryland, seizing the chief settlement, St Mary's, and putting Calvert to flight. They failed however to hold what they had acquired. A year later Calvert died. Baltimore showed the flexibility of his principles by appointing as his successor one William Stone, a Protestant. He had shown the same eclectic temper by admitting as colonists those congregations of Nonconformists who had been banished from Virginia. The newcomers do not seem to have felt any special gratitude to Baltimore for his tolerance, and were prepared to make common cause against him with the inhabitants of the Isle of Kent and other disaffected persons.

It seemed at first as if the authority of Parliament and of the Protectorate would be accepted in Maryland as quietly as in the other colonies. In 1652 Stone and apparently all the settlers acknowledged the authority of the parliamentary commissioners. The commissioners did not formally revoke Baltimore's patent; but they may be said to have done so implicitly by deciding that writs should run not in his name, but in that of the authority appointed by Parliament, the keepers of the liberties of England.

For two years after this the commissioners remained practically the supreme authority. But in 1654 the Proprietor took advantage of the establishment of the Protectorate to reassert his rights. His contention was that the authority of the commissioners had lapsed, and that he, Baltimore, stood in exactly the same position towards the Protectorate as previously towards the Crown. The commissioners at once met this by a fresh assertion of authority. Having disfranchised all Roman Catholics and so secured a compliant assembly, they declared that settlers might occupy land without making any declaration of loyalty to the Proprietor. Baltimore's party at once resisted what would virtually involve the overthrow of his territorial proprietorship. Stone took up arms against the commissioners, but was defeated and taken prisoner. What Baltimore failed to do by force he effected, however, by diplomacy. In 1656 he petitioned the Protector for the restoration of his authority. At the same time a claim was being made on behalf of Virginia, asserting the rights of that colony over the territory of Maryland. The result was a compromise whereby Baltimore's proprietary rights were restored in full and the claims of Virginia abandoned, while in return Baltimore granted an indemnity to those who had opposed him.

Two years later a somewhat obscure dispute broke out. The Assembly claimed to have full legislative rights and to be independent of all authority save that of the Crown. They were countenanced in this, if not instigated to it, by the governor, Josias Fendall, who in the previous disputes had acted as a partisan of Baltimore. The time of the

outbreak was, however, ill-chosen. Hardly had it taken place when the news of the Restoration arrived; and the Proprietor was able to re-establish his authority with nothing more than a show of force.

The history of the colony under the restored Stewarts is uneventful, and it continued to develop a social and industrial life closely resembling that of Virginia. Its tranquillity was undisturbed save by boundary disputes, towards the end of the period, with the newly-founded colony of Pennsylvania and with Virginia. The Proprietor, Lord Baltimore, who had succeeded his father in 1675, also came into collision with the home government respecting a collector of customs appointed by the Crown, whom he first refused to assist and then illegally imprisoned, finally conniving, at least *ex post facto*, in his murder. For this action he was censured by the Privy Council.

How completely the colony had separated itself from the creed of its founder was shown by its action at the Revolution of 1688. In every county save one the adherents of William and Mary asserted their authority unchallenged; and a convention was established. There seems to have been no violence; the Protestant majority and the adherents of the Proprietor both laid their case before the King. William and his advisers took the reasonable view that a settlement held by a Roman Catholic Proprietor in the very heart of the English colonial empire must be a source of danger. The political rights of the Proprietor were annulled, and Maryland was constituted a Crown colony, but without any prejudice to Baltimore's territorial position. In 1715 his son, the fourth Lord, became a Protestant. It was therefore held that his full rights revived. Such influence as that change had on the fortunes of the colony will come before us at a later stage.

THE CAROLINAS

In 1629 Sir Robert, afterwards Chief Justice, Heath, obtained from the Crown a grant of land to the south of Virginia, to which, out of respect to the King, he gave the name of Carolina. Of this grant there came no practical result. In 1663 the whole land between Virginia and Florida was granted to eight patentees, among them Lord Albemarle, Sir Anthony Ashley (afterwards Lord Shaftesbury), and Sir William Berkeley. This grant not only gave to the Proprietors territorial rights and political authority, but, unlike any that had preceded it, it made provision, at least in an elementary form, for a constitution, since it provided for assemblies of freeholders with legislative powers. The settlement of Carolina was largely carried out by that indirect or, as one may call it, secondary process of colonisation which we have already seen at work in Connecticut. The colonists were drawn not solely, nor even mainly, from the mother-country, but from New England, Virginia, and Barbados.

It will save possibilities of confusion to enumerate the different settlements by which the soil of Carolina was occupied. These were: (1) a settlement from Virginia on Albemarle river, which became the nucleus of North Carolina; (2) a settlement from New England near Cape Fear, which was dispersed and absorbed into (1); (3) a settlement from Barbados, also near Cape Fear; (4) a settlement direct from England. This last changed its habitation more than once, absorbed (3) in the course of its wanderings, and finally grew into South Carolina. Of the settlers from Massachusetts we know but little. At one time their condition was such that a collection for their help had to be made in the parent colony. The process of emigration from Virginia is equally obscure. All we know definitely is that in September, 1663, the new Proprietors divided their province into two, and that the northern section was already settled. The instructions given by the Proprietors to the governor of the northern half constituted it for the time being as something like a democracy. The elective Assembly was invested with the appointment of officers, the establishment of law courts, and the military defence of the colony.

In 1667 the Proprietors of Carolina put forth a most elaborate constitution, attributed, though on inconclusive evidence, to John Locke, who was their secretary. The Proprietors more than once thought it worth while to modify it in form, but they never made any serious attempt to enforce it as a working system. Meanwhile the Assembly of the northern settlement was dealing with the needs of the colony in a wholly practical way, by passing certain regulations which show us what they intended the colony to be and help us to understand what it became. For five years from its foundation no settler was to be legally liable for any debt incurred outside the colony. No tax was to be levied on new-comers for a year. Marriage was valid if there was a declaration of mutual consent before the governor. A colony so administered might seem a paradise to the bankrupt and the pauper. It is no exaggeration to say that the history of North Carolina for the next fifty years is little more than a dreary and uninstructive record of disputes and insurrections. The colony indeed seems to have reached that chronic state of anarchy when the imprisonment and deposition of a governor is a passing incident which hardly influences the life of the community.

In the meantime a province was growing up in the southern half of the territory whose life, though it did not wholly escape the same class of disturbances as beset the sister colony, was on the whole vigorous and prosperous. In 1670, after a careful survey of the country, the Proprietors established a colony at Charleston. The constitution was a liberal one, since the freemen were not only to elect a house of representatives, but also to nominate ten out of twenty councillors.

The instructions given by the Proprietors for the colony at Charleston

aimed at preventing that tendency to scatter over the face of the country which marked the growth of Virginia. Every freeholder was to have, in addition to his country estate, a town-lot of one-twentieth the extent of his whole domain. This foreshadowed, though it can hardly be thought to have caused, the future development of South Carolina. Instead of a society of landholders, each living on his own estate, it was rather a society of wealthy traders living at Charleston and owning plantations inland. But this was due not so much to any deliberate design on the part of the Proprietors as to natural conditions — the existence of one first-rate harbour and the insalubrious and unattractive character of the inland country, especially near the coast. This concentration of the active life of the colony in Charleston had an important influence on the political history of the colony, by checking the development of local representation. The whole body of freemen met together at the capital and there elected a House of Representatives. This system was at once the result and the reacting cause of the backwardness of the country districts. It lasted till 1717, when the ordinary method of electing by counties was substituted.

Of the first colonists of South Carolina only a portion came direct from England. The rest joined at Barbados, whence also came William Sayle, the governor. This no doubt had its effect in assimilating the life of the new colony to that of the West Indies. In one way this had a baneful effect on the future of the colony. Under the recognised economic conditions of that day slavery was certain to spring up; and it was also certain that in such a climate the labouring class could not, like that of Virginia, consist largely of white men. Only the negro or the native could work in the climate of South Carolina. The colonists, accustomed to impose slavery on the weak and unresisting population of the West Indies, made a similar attempt with the Indians of the mainland, but, as might have been foreseen, with very different results. The proximity of the Spaniard on the southern frontier would have been in any case a source of danger. Instead of lessening this by securing the alliance of the savages, the settlers by repeated acts of kidnapping drove the natives into alliance with the Spaniard, while on the other hand they incurred the great displeasure of their southern neighbours by the encouragement which they gave to pirates. It is just to the Proprietors to say that they saw this danger and did their best to prevent both these practices.

The dread of Indian attack and Spanish invasion was probably one of the influences which were at work to keep the settlers concentrated in Charleston. For the first quarter of a century of its existence nothing worse befell the colony than isolated Indian raids. But in 1701 war between Spain and England was imminent; and the colonists heard that a Spanish captain in command of 900 Indians was on his way to attack them. In order to anticipate the blow, James Moore, a

political adventurer, but a man of considerable courage and capacity, was sent with 100 English and 800 Indian allies against the Spanish town of St Augustine. The town was unfortified and fell an easy prey, and the inhabitants took refuge with most of their property in the fort. The assailants had no siege appliances; and, while they were sending to Jamaica for cannon, two Spanish vessels came to the help of the besieged. Moore then withdrew with some booty. Next year he made another raid on a somewhat larger scale and with more success. These inroads appear to have kept the Spaniards in check for a while. The position of Charleston, with its long tract of swamp along the southern coast, protected it effectually against an attack by land. But in 1706 it was assaulted by a combined French and Spanish fleet. Yellow fever broke out in the town, and many of the inhabitants fled inland. But the governor, Sir Nathaniel Johnstone, gallantly supported by those who remained, routed the hostile fleet and secured 230 prisoners.

A new factor of discord was now introduced into the life of the colony. Dissenters were a numerous and influential part of the community; it is even said, though this may be doubted, that they formed a majority. In 1696 their liberty of conscience had been secured by special enactment. Lord Granville, the Palatine, or head of the Board of Proprietors, was one of that party of churchmen who were trying to crush the dissenters by pressing on the Occasional Conformity Bill. The same spirit now showed itself in the policy of the Church party among the settlers. In 1704 they passed an Act requiring from members of the Assembly a declaration of conformity and the reception of the sacrament. Should a candidate refuse to qualify, a fresh writ was not issued, but the next candidate on the list obtained the seat. The defeated party appealed to the Crown, and the Queen vetoed the Act. The constitutional propriety of this might be doubtful. There could be no two opinions as to its substantial equity.

It was clear by this time that the Proprietors had given up any idea of securing organic unity between their two provinces. Nominally indeed there was one governor for both; but he resembled a governor of Virginia in that his connexion with the northern province was merely titular, and the duties were discharged by a deputy. In 1711 a dispute broke out between two claimants for this office, Thomas Cary and Edward Hyde; and something like a little civil war followed. Hyde prevailed and Cary fled. He appears to have made some overtures to the Tuscarora Indians to support his cause. This may have led to what followed, an onslaught by the Tuscaroras upon the colony. The principal destruction fell on a settlement of refugees from the German Palatinate. South Carolina sent a force to the assistance of her neighbours; and the Indians were, it was supposed, brought to terms. But almost immediately after the troops had withdrawn a fresh onslaught was made. Again

help was sent from South Carolina. This time the work was done effectually, and the Tuscaroras were virtually annihilated.

Scarcely was North Carolina relieved from the dread of an Indian invasion when a similar blow fell on the southern colony. It came from the Yamassees, an Indian tribe in alliance with the Spaniards. In 1710 three separate bands made a concerted onslaught on the colony, and 200 settlers fell. Happily the governor, Charles Craven, was not only a man of vigour and courage but enjoyed to the full the confidence and good-will of the settlers. An Indian raid might be furious, but the temper of the savage and his lack of resources always deprived it of endurance ; and, before the year was out, the colony was again in safety. Soon afterwards an expedition had to be undertaken against pirates. These successive operations left the colony in no little financial embarrassment. At every turn some cause of dispute and ill-feeling arose between the colonists and the Proprietors. At length, in December, 1719, the Assembly formally threw off the authority of the Proprietors and elected a governor under the Crown. The governor, the son of Sir Nathaniel Johnstone, did his best to uphold the authority of the Proprietors, but to no purpose. The advisers of the Crown accepted the situation and sent out Francis Nicholson, an experienced and fairly competent colonial official, to administer and pacify the province. In the northern province there was no attempt on the part of the colonists to throw off the authority of the Proprietors; but they had by this time come to perceive clearly that it was an irksome and profitless burden, and in no way worth retaining without the southern colony. In 1729 the Proprietors surrendered, for an equivalent in money, the whole of their rights over the northern province; and the two Carolinas passed into the condition of ordinary Crown colonies.

NEW YORK AND DELAWARE

The Dutch colony of the New Netherlands has been already mentioned. When in 1664 the English goverment, with no adequate provocation, declared war on the United Provinces, the one definite result was the capture of this colony. At the very outbreak of the war Charles II granted to his brother the Duke of York the whole territory from the Connecticut to the Delaware. Morally speaking, the seizure was little better than a piece of buccaneering. In the result however one cannot doubt the substantial advantage to all concerned. Without control over the valley of the Hudson it would have been impossible for England to offer solid and united resistance to France. Yet one can hardly believe that a French colonial empire stretching from the St Lawrence to the Mississippi would have been either possible or desirable. That unhappy state of things, during which America was the battlefield of European powers, would have been prolonged; and independence, if it

had ever come, would have come piecemeal to a string of disconnected communities incapable of forming an organic whole. At the same time we need not suppose that any such far-sighted views influenced Charles II and his advisers. A more effective reason probably was that the existence of a Dutch settlement in the midst of the English colonies made an effective administration of the Navigation Laws and a comprehensive commercial system almost impossible. If the subsequent advantage, we may almost say the necessity, of the conquest might be held to justify it, so not less did the manner in which it was carried out. Neither the States-General nor the Dutch West India Company had so dealt with the New Netherlands as to beget any spirit of loyalty. When an English fleet appeared before New Amsterdam, the governor, Peter Stuyvesant, found it impossible to rouse the settlers to effective resistance; and on August 29, 1664, the English flag floated over the settlement. The conquest of the settlements along the valley of the Hudson was as easy and as complete as that of the capital. The name of New York was thereupon given to both the city and the province.

One incident connected with the conquest of Fort Orange, afterwards Albany, deserves mention. The chief Indian power in the neighbourhood of the English settlers was that of the Five Nations, called by the French the Iroquois, often by the English the Mohawks, a name which really belonged only to one of the five constituent tribes. Their policy was marked by a definiteness and continuity rare among savages. Their hunting-grounds—for in no other sense can one speak of Indian territory—extended from the St Lawrence to the hills west of Carolina; and they held a number of the smaller tribes in a state of semi-vassalage. Their friendship was of vital importance to the English. Twice only, so far as authentic records show, had there been up to this time any dealings between the Iroquois and the New Englanders; and on each occasion the English befriended a small party who had wandered as far as the sea-coast. An embassy from the Five Nations now met Cartwright, the English commander, at Fort Orange, and received from him promises of help and of the continuance of that trade which had existed between the Indians and the Dutch. Thus was laid the foundation of a friendship whose value to the English it is scarcely possible to overrate.

By singular good fortune the task of annexation fell into the hands of one of the few men in England who could have been found thoroughly equal to it. The character of Richard Nicolls reminds one of those men whose wisdom, firmness, and forbearance, shown alike in military and diplomatic victories, have built up our Indian Empire. His clemency was not that of indifference: it went hand in hand with a thoughtful policy of construction. The antecedents of the colony had no doubt done a good deal to lighten his task. Not only was there no loyalty to Dutch rule and no organised political life, but one may almost say that there was no nationality. The statement that eighteen languages were

spoken in the streets of New Amsterdam might be an exaggeration, but there can be no doubt as to the cosmopolitan character of the settlement. In addition to the Dutch population there were Walloons, Swedes, Lutherans from Germany, and Waldenses from Piedmont, while the possibilities of commercial profit had sufficed to attract Jews and Armenians. But most important of all in the present connexion was the number and the influential position of emigrants from New England. On Long Island settlements had sprung up, founded by emigrants from New Haven and Connecticut, and in every respect conforming to the life and usages of New England. It is moreover clear that the English were treated by Stuyvesant with an amount of favour which offended the Dutch ; and at least one Englishman held office under him. Thus, before the actual conquest took place, the colony had been in a great measure anglicised.

Nicolls, however, did not yield to the temptation of endeavouring to set up anything like a system of race ascendancy. Practically, for administrative purposes, he divided the province into an English-speaking and a Dutch-speaking district, and dealt with each on separate principles. In February, 1665, a convention of representatives from the English-speaking towns met at Heemstade on Long Island. Acting in concert with them Nicolls drew up a code of laws and instituted a system of local government. Each township was invested with powers of assessment, and was to elect a court of overseers with judicial powers in small civil cases. The ecclesiastical system was to be one of denominational endowment. Each township was to have a church, the denomination being chosen by the majority of the freemen. Practically their choice was limited to the reformed Churches, as no one might be appointed a minister who had not received Protestant ordination. The Dutch townships of New York and Albany kept each its mayor and aldermen, with judicial powers. It is clear that no attempt was made to interfere with the use of the Dutch language. Nor were any steps taken towards consolidating the whole colony under one representative government.

There was one portion of the English conquest which might be regarded as, for all practical purposes, a separate province. In 1638 the government of Sweden had formed a colony on the southern bank of the Delaware. Unjust though the English conquest might be, yet the Dutch had estopped themselves from any right of complaint by the measure which they had dealt out towards the Swedes. The claim of the Dutch Company to the soil occupied by the Swedes was not one whit better than the claim of England to the Hudson. Yet in 1655 Stuyvesant, acting under the instructions of the Company, had attacked and annexed the Swedish settlement. The Dutch West India Company, instead of retaining the territory, sold it to the city of Amsterdam,

which established a colony of its own there by the name of New Amstel. When Nicolls had completed his conquest of New Amsterdam he detached Robert Carr, one of his subordinates, to reduce the settlement on the Delaware. Carr's severity to the twice-conquered Swedes was the one exception to the humanity and moderation shown by the English.

In 1673 England and Holland were again at war. Nicolls' successor, Francis Lovelace, in careless confidence, took no measures for securing the colony. When a Dutch fleet of twenty-three ships with sixteen hundred men on board appeared before New York resistance was manifestly useless. Albany and the settlements on the right bank of the Hudson and the outlying province on the Delaware all yielded. Only the towns of English descent on Long Island, supported by Connecticut, held out. The Dutch reoccupation did not last out a whole year. In accordance with the Treaty of Westminster (1674) the whole of the reconquered territory was restored to England. Nothing could show more strongly the lack of any vigorous sense of nationality than the passivity with which the Dutch settlers suffered themselves to be handed backwards and forwards without protest or expression of interest.

The Duke of York had already shown a conspicuous lack of intelligence in his dealing with the soil of his new province. Before the result of Nicolls' expedition was known, before indeed he had reached America, James granted to Sir George Carteret and Lord Berkeley the whole territory from the Hudson to the Delaware (1664). The effect of this was to cut the Duke's province into two detached portions, and to isolate New Amstel from the seat of government. Nicolls remonstrated, but it was too late. Carteret at once proceeded to act on his grant by sending out his kinsman, Philip Carteret, to act as governor of the newly-formed province, and also by drafting a constitution vesting the government in a governor or council and an elective chamber. New Jersey, as the colony was called, was settled after a fashion previously unknown elsewhere. The Proprietors did little towards supplying their settlement with inhabitants. A scattered population of small farmers, mostly Swedes and Finns, was already on the soil; but the Proprietors also looked to drawing inhabitants from New England. In this fortune favoured them, since most of those inhabitants of New Haven, whom we have already mentioned as escaping incorporation with Connecticut by flight, took refuge on the south banks of the Hudson.

The re-conquest of New York in 1673 annihilated the Duke's first patent and made a fresh grant from the Crown necessary. The Duke might have taken advantage of this to resume his grant to Carteret and Berkeley, compensating them, as Nicolls suggested, by a grant of land on the Delaware, which would have left New York a compact and continuous territory occupying both banks of the Hudson to the sea. The opportunity was, however, neglected; and Carteret was reinstated with full proprietary rights.

As might have been expected, the political aspirations of the inhabitants of New York were not unaffected by the neighbourhood of the virtually self-governing communities of New England, with whose members many of them were connected by similar habits of life and thought, and even, in some cases, by ties of blood. It was only natural that they should demand similar political institutions. Such a demand was made before the Dutch re-conquest and the governorship of Lovelace, and it was renewed under his successor, Andros. The Duke's reply thoroughly illustrates his whole attitude towards popular rights. Why, he said, should the settlers want more than they had? Such legislative powers as would be vested in an elective assembly were already enjoyed by the Court of Assize, composed of his nominees the magistrates. An elective assembly would probably be composed mainly of the same men. A demand for good government was a thing which James could understand and, according to his lights, sympathise with: a demand for constitutional safeguards was beyond his comprehension.

In 1683 Andros was succeeded by one of the ablest men who had yet appeared in the field of colonial politics, Thomas Dongan. By this time successive governors of Canada had entered on a policy of resolute and continuous aggression. Not only were they organising their own Indian subjects into an instrument of attack, but they were undermining the loyalty of the Five Nations, hitherto the trusty allies of England. The valley of the Hudson was the key of the English position; and on the governor of New York, more than on any other official, fell the burden and responsibility of resistance. Dongan had personally no friendly feeling to France. As a young man he had served in the French army and had been, as he considered, treated with injustice. Roman Catholic though he was, we may be satisfied that his religion did not interfere with his inclination to thwart the designs of France, since not even among the Puritans of New England do we find a trace of any distrust of him on that ground.

The key-note of Dongan's anti-French policy was a firm alliance with the Five Nations. On three occasions he met the Iroquois chiefs in formal conclave, and he effectively counteracted the intrigues by which successive governors of Canada were trying to win them over. It was Dongan's policy, too, that the alliance should be a fact fully recognised and proclaimed in the face of France. In no spirit of mere empty ceremonial he induced the chiefs of the Five Nations to set up the arms of the Duke of York over their wigwams. Dongan, however, did not limit his defensive policy to strengthening the Mohawk alliance. Albany and Schenectady were palisaded. The home government was invited to establish a chain of forts along the western frontier of the English settlements and to consolidate Connecticut, New York, and New Jersey, so as to form an effective scheme of defence. It was perhaps even more important that Dongan induced James to send a despatch to the French

Court, announcing that the Iroquois were British subjects and were to be treated as such. Thus it was made clear that the policy of the Indian alliance was not the individual creation of a single colonial governor, but represented the views and purpose of the English nation.

Dongan's instructions might be said to embody a constitutional revolution, since they authorised him to issue writs for the election of a representative assembly. When the Assembly met it at once took steps to perpetuate, so far as a popular vote could do so, a system of self-government. A resolution was passed analogous to a Bill of Rights. Triennial Assemblies were to be held, elected by the freemen and the freeholders of the towns. The right of taxation was vested in the Assembly; freedom of conscience was secured to all; and provision was made for trial by jury. Soon afterwards Dongan, on behalf of the Proprietors, granted to New York and Albany charters of incorporation.

The proposals of the Assembly seemed to be favourably received; but next year, by an almost inexplicable change of policy, Dongan received instructions entirely reversing the system so lately suggested by the Crown and developed by the settlers, and vesting all rights of legislation in a council appointed by the Crown. In a New England colony such a measure would have called into existence a torrent of pamphlets, would have been condemned in town meetings, and denounced from pulpits. In New York it was accepted in silence, though not without an undercurrent of resentment which made itself felt a little later. This withdrawal of the rights granted to New York was no doubt a step in that policy of unification which we have already seen applied to New England. Colonial union was a good thing; but only a man utterly without perception of those living political forces which control communities could have thought it possible to achieve such a union by mechanically combining into a single province communities so different in origin and in political experience, and by placing the whole under the rule of a slow-witted, unsympathetic governor such as Andros. This might not be felt strongly in New York. It would assuredly be felt in New England.

The whole history of the manner in which the tyranny of Andros, if tyranny it should be called, was met and overthrown in New England and New York, respectively, is an admirable illustration of the different conditions of the two provinces. Andros himself was too fully occupied with refractory New Englanders and with the defence of the western frontier to take any active steps in the administration of New York. That was left to his deputy, Colonel Nicholson, with the assistance of three councillors, who, it is worth noticing, were all Dutch. This disposes of any suggestion that the revolution which followed was an uprising of Dutch nationality against alien rule. Nicholson was, as is shown by his despatches and the various incidents of a prolonged official career, a clear-headed and observant man, but he was violent

and obstinate, wholly lacking in the moral force which surmounts difficulties or in the dexterity which evades them.

When rumours of the Revolution in England reached New York, Nicholson, acting as his superior Andros had acted in Massachusetts, kept the tidings secret. But soon afterwards there came simultaneously to New York the news of three events, any one of which would have made Nicholson's position difficult. The Prince of Orange was in power in England; Andros was a prisoner at Boston; France had declared war, and the colony might at any moment be invaded. Nicholson's first impulse was a sound one. He called together the aldermen of New York, the members of the Council, and the militia officers, to form a convention. Then at once was felt the lack of all those conditions which had enabled the men of New England to defy constituted authority and yet to avoid anarchy. The pay of the militia was in arrears, and their disaffection threatened danger. The people demanded that the control of the fort should be transferred from the Deputy to their representatives. The townships bordering upon New England went further and deposed the Proprietors' officials. Two purely personal disputes set fire to the train. A quarrel having broken out between Nicholson and one of his subordinates, Cuyler, Nicholson foolishly used the words, "I would rather see the city on fire than be commanded by you." Immediately the story circulated that the Deputy-Governor had threatened to burn New York. Next day Nicholson denied the charges and dismissed Cuyler. Thereupon the people rose and seized the fort. Their leader was Jacob Leisler, a German brewer, who also had a personal grievance. He had already refused to pay customs, on the plea that the collector was a Papist and his commission therefore invalid. He now took command of the mutineers. Nicholson fled, and Leisler might not unreasonably be supposed to have stepped *de facto* and by popular approval into the vacant governorship.

Thereupon a convention met. More than half the community stood aloof; and of the eighteen representatives who came together, eight took no part in the proceedings. The remainder invested Leisler with something like dictatorial power. But it is clear that he was no more than the leader of a faction. In New York itself Leisler succeeded by promptness and energy in forcing his authority on an inert majority. At Albany a far more vigorous temper prevailed. The inhabitants refused to accept the authority of Leisler unless he could prove that it had been granted to him by the new sovereigns: let him produce a commission from William and Mary; then he would be obeyed.

The home government at first made mistakes of which Leisler took advantage. A commission was sent to Nicholson, authorising him to act as governor. If he was absent, this duty was to be transferred to "such as for the time being take care for preserving the peace." Leisler took possession of this letter and, without giving any details, told the citizens

that he had received a commission as lieutenant-governor. At the same time he contrived for a while to keep the home government in the dark by representing himself as chosen by popular election, by intercepting letters which would have undeceived them, and by imprisoning and brutally maltreating the writers of such letters. In the meantime some of the settlers at Schenectady, a settlement on the upper Hudson, had been massacred in an Indian raid. This was largely due to the fact that Leisler's attitude towards Albany had made united action impossible. This event contributed largely to undermine Leisler's position.

For nearly two years the English government with incredible apathy suffered the colonists to be the victims of a blundering and ineffective tyrant. In spite of Leisler's merciless suppression of free speech, it is clear that complaints reached England; and the King and his counsellors must at least have known that the colony was in the hands of one with no proved fitness for the post. At length, in 1690, a governor was appointed and sent out with a small military force. Fortune granted Leisler a respite, since the governor, Colonel Sloughter, was delayed on the voyage. When his second in command, Richard Ingoldsby, arrived, Leisler refused to resign his authority. Ingoldsby's course was an obvious one. "Where was Leisler's commission?" No commission could be produced, and Leisler stood in the position of an avowed rebel. He held the fort and fired on the English soldiers, killing two; but the arrival of Sloughter, though it did not influence the attitude of Leisler himself, was the signal for the general collapse of his party, and his supporters laid down their arms. The ringleaders were tried for high-treason and found guilty, but the extreme penalty was put in force only against Leisler himself and his chief supporter, Jacob Milborne.

As we have seen, the government of James II had virtually left New York without a constitution. The defect was supplied by the instructions given to successive governors, whereby certain methods acquired the authority of precedent and usage. The Assembly endeavoured to define the future constitution by a declaratory Act passed May 13, 1691, shortly after the arrival of Sloughter. His instructions had provided for a council nominated by the Crown, and an assembly elected by the freemen. The Act just mentioned filled in this outline by requiring annual elections, limiting the franchise to freeholders of forty shillings a year, and apportioning the colony into constituencies. A declaration was permitted instead of an oath; and freedom of conscience was secured to all Christians, Papists excepted. No tax might be imposed but by the governor and the two Houses; and soldiers could not be billeted upon any inhabitant without his own consent. The Bill was vetoed by the Crown, owing, it is said, to the last clause; and the colony was left without a defined constitution.

NEW JERSEY

We have already traced the beginnings of the colony granted by the Duke of York to Carteret, and by him called New Jersey. The process by which it came into being was not unlike that followed in the case of New Hampshire. A number of independent townships were consolidated into a single community. But in New Jersey there was an element of difficulty which did not exist in New Hampshire. When the settlements of New Hampshire united, the Proprietor, Mason, was dead; his heirs took no interest in the province, and suffered it to work out its destiny in its own fashion. The settlers in New Jersey knew that the Proprietors might at any moment interpose their authority. Nor was there anything in the character of that authority to reconcile the settlers to its exercise. The Proprietors were not in any sense partners with the settlers in a costly and troublesome undertaking. They did not, in modern language, "finance" the colony in its early days — as did Baltimore or the Proprietors of Carolina — and thus establish a claim to some future benefit; they were simply beneficiaries. The system of "unearned increment" was presented to the settlers in a singularly unqualified and repellent form. Not only were the Proprietors absentee landlords, but the settlers had actually already obtained titles for their land by purchase from the natives.

For three years after he landed Philip Carteret made no attempt to call an assembly of the whole province; and the various townships remained virtually self-governing. When an assembly was summoned, the settlers reckoned the burden of attendance greater than the gain. The representatives of two townships refused to attend, and were followed by the rest. As was natural, the question of land-tenure soon gave rise to trouble. The Proprietors had liberated the colony from quit-rents for five years; but they required all settlers to obtain from them patents of land. One of the townships claimed the right to grant land irrespective of the Proprietors. Thereupon the settlers at once did, for the purpose of resistance, what they had refused to do for the purpose of co-operation with the Proprietors. They held a joint assembly of representatives of the towns, deposed Philip Carteret, and substituted another member of the family. The Proprietors at once put down the rebellion, and, acting on the assumption that the settlers had forfeited the privileges conceded to them, drew up a constitution in which the rights originally granted to the colony were considerably restricted.

New Jersey, like New York, was reconquered by the Dutch in 1673, and again ceded to the English in 1674. The history of New Jersey now becomes extremely complex, owing to the number of distinct proprietary rights which were created, each in some measure calling into existence an independent community. The Duke of York held that the conquest annulled all previous titles, his own as well as those granted by

him to others. His own title was, as we have seen, re-established by a new grant. He likewise re-established those of Carteret and Berkeley, but only in part. He executed a fresh grant, transferring to Carteret alone a tract of land on the southern bank of the Hudson, but reserving to himself the left bank of the Delaware. In the meantime Berkeley had sold his share in the original grant to two Quakers, John Fenwick and Edward Bylling. They now virtually claimed that they were entitled to the residue of the original grant, after Carteret's new grant had been deducted. This claim the Duke disputed. Matters then, so far as territorial title went, stood thus. Carteret had an undoubted claim to the right bank of the Hudson. The Duke had a claim to the right bank of the Delaware, and a disputable claim to the left bank of the Delaware. Throughout the whole of this territory there were settlements which had come into existence with little or no help from any of the claimants.

When, in 1675, Fenwick acted on his grant and endeavoured to form a settlement on the right bank of the Delaware, some of the existing settlers resented it, and appealed to Andros, who ordered Fenwick to give up his attempt. The order, however, was disobeyed ; and a settlement came into existence called Salem. Soon afterwards William Penn and other Quakers who had acquired Bylling's rights began colonising on the Delaware. In 1680 they received a fresh grant from the Duke, including Fenwick's settlement at Salem. There were thus two distinct settlements, called East and West New Jersey, one on the Hudson, the other on the Delaware. In each the government spontaneously fell into the accepted model, with a governor, council, and representative assembly. In 1680 a dispute arose between Andros and Philip Carteret as to the right of the Duke of York to impose commercial restrictions and levy duties on New Jersey, in which Andros imprisoned Carteret in an arbitrary and brutal fashion. At the same time Andros, by the issue of writs for an assembly, confirmed the system of self-government which already existed in East Jersey.

In 1681 the heir and namesake of Sir George Carteret received a fresh grant of his grandfather's territory from the Duke of York ; and the authority of Philip Carteret was re-established. It is clear, however, that the attack made on Carteret's authority by Andros had weakened it in the eyes of the settlers, who now began to question the rights of the Proprietors. Sir George Carteret, dissatisfied, as he well might be, with the turn of affairs, sold his rights in the colony. Among the purchasers were the Quakers, William Penn and Gawen Laurie, who were already among the Proprietors of the eastern province, certain other members of the same sect, and several influential Scotsmen. The new Proprietors made an attempt to saddle the province with an elaborate constitution. But, as in Carolina, the simpler system evolved by the settlers to meet their own wants prevailed. The chief result of the transfer was to

invigorate the colony by bringing into it a number of Scottish refugees, who had fled from Scotland to avoid being coerced into Episcopacy, and by so assimilating the two provinces into which New Jersey was divided as to prepare the way for their future union.

In 1685 the Proprietors of the eastern province excited the just displeasure of Dongan by an unscrupulous attempt to annex Staten Island, to which the Duke had an indisputable claim. It was probably owing to this event and to advice given by Dongan, that the Duke included New Jersey in the consolidated province which was placed under the short-lived administration of Andros. His dealings with the refractory New Englanders left him no time for meddling in the affairs of New Jersey; and in that colony the Revolution seems to have aroused no political disturbance.

In 1692 an important step was taken towards the union of the two provinces. The two separate bodies of Proprietors appointed the same governor, Andrew Hamilton, a man who more than almost any colonial official of the day was convinced of the need for more complete intercolonial union. But the colony of New Jersey did not attain unity till it had passed through several troubled years. There were disputes as to the right of the government of New York to levy duties within the limits of New Jersey. Repeated transfers of proprietorship had invested the whole question of proprietary rights with elements of confusion and difficulty. To the settlers the political rights of the Proprietors were a standing menace, threatening interference with that system of self-government which had, as it were, spontaneously established itself. To the Proprietors these rights were valueless, and worse than valueless. To men like Penn and some of his associates, social philosophers and political enthusiasts, the task of creating a new community might be attractive. But Penn had found a sphere for his activity elsewhere. The day for attempting such work in New Jersey was past, and the only result that the Proprietors were likely to bring about by asserting their political rights would be the forfeiture of those territorial claims which to most of them were of far more value. The way out of the strait was obvious, and the Proprietors adopted it. In 1702 they surrendered their rights of sovereignty to the Crown; and the whole territory from the Hudson to the Delaware became a single province, though practically consisting of two distinct sections, separated by an unreclaimed and almost unpenetrated wilderness. As in the case of New York, the colony did not receive a charter. The constitution rested on usage and on the instructions given to successive governors. The existing system of government by a council and assembly remained unaltered. The weak rule of the Proprietors had, however, left behind elements of faction and almost of anarchy; and the choice of a governor by the Crown led to no improvement in these conditions. The appointment, together with the governorship of New York, was given to the Queen's cousin, Lord Cornbury, a brainless

and arrogant profligate, with a tendency to intermittent and ineffective tyranny. The mischief he did in both provinces was happily remedied by his successor, Robert Hunter, one of the ablest and most judicious in the list of colonial administrators.

PENNSYLVANIA

In New Jersey we have seen a fresh religious force, that of Quakerism, brought into the sphere of colonial politics. Historians have written of William Penn as though he had been a religious enthusiast whose friendship with James II, in politics a despot and in religion a bigoted member of an alien Church, must either be explained away or accepted as evidence of unscrupulous opportunism. That view involves a mistaken conception of the characters alike of Penn and of his patron. The two men were in many respects unlike; but their views and characters found a meeting-point in their indifference to constitutional forms, in their inability to see that men might reasonably demand something more than good government, and might fairly ask for those securities which, under any change of rulers, would guarantee good government for the future. In New Jersey Penn was no more than one in a firm of Proprietors; his position did not give him that free hand which he required to carry out his theories as a constructive statesman. A better chance soon offered itself. He inherited a claim against the Crown for £16,000. That debt might be paid in a cheap and easy fashion. The territory conquered from the Dutch included, as we have seen, a tract colonised by the Swedes on the south bank of the Delaware. Of that tract the greater portion was not included in the Duke of York's second grant. It was included in the original patent of Maryland, but it was unoccupied; and to grant land twice over was no uncommon incident in colonial administration. The tract in question was in 1682 transferred to Penn in settlement of his claim.

Penn's rights as a Proprietor were limited by three important restrictions, in which we can trace the effect of past colonial experience. The Crown was to have a veto on all legislation. In all legislation and administration which concerned revenue the colony was to be treated as an integral part of the realm. There was to be an agent, living in England, who might be called upon to explain any alleged infraction of the revenue laws. Penn's colony neither was nor was designed to be composed exclusively of Quakers. The Quaker element, however, undoubtedly preponderated; and one at least of the Quaker tenets — their abhorrence of war — was to prove a serious hindrance on a future occasion, when it became needful that the colonists should be united against French and Indian enemies. The Quaker theory of the equality of all men in the eye of God was with Penn no vague dogma, but a practical belief, which lay at the root of all his dealings with the savages.

Among colonial Proprietors Baltimore alone seems to have grasped the truth that the less elaboration and complexity there is about a constitution the better, especially in a community whose needs are unknown and whose resources are untested. Under the constitution as first devised by Penn there were to be two Chambers, both elective, the Upper called a Council, consisting of seventy-two members, and the Lower of two hundred at first, with possibilities of increase to five hundred. The Council was to initiate legislation, the Lower Chamber to approve, the Crown to ratify it. The defects of this system are obvious. The Lower Chamber was a cumbrous superfluity ; the Upper was too large for executive duties. This was soon perceived ; and in 1683 the Council was reduced to eighteen and the Lower House to twenty-six. No power of initiatory legislation was assigned to the representatives ; but their power of veto was increased by requiring the consent not of a majority but of two-thirds. Three years later a change was introduced, which, if the Proprietor had followed it up strenuously and persistently, might have annihilated the political rights of the community. He appointed five Commissioners of State, of whom three might be a quorum, with a right of veto upon all legislation.

It will be remembered that the territory conquered from the Dutch and granted to the Duke of York included a small group of settlements on the south bank of the Delaware. These were always administered as a dependency of New York. Administrative difficulties might have ensued ; but fortunately the friendship existing between the Duke and Penn made a settlement easy; and in 1682 the territory was transferred to Penn and incorporated with his other grant. This portion of the provinces was commonly known as the Territories, and now forms the State of Delaware. In 1688 a dispute arose. The inhabitants of the Territories considered that they were not dealt with equally in the apportionment of magistrates. For a while a compromise was made. The Territories were to have a separate executive, but there was to be only one elective assembly for the whole province.

Much of Penn's work has vanished, for in the political constitution of his colony experience and the practical teaching of necessity proved too strong for theory. But one monument of his practical judgment and foresight abides. Alone among the leaders of English colonisation in the seventeenth century, he can claim to be a city-founder. That dignity, the result of symmetry and spaciousness, in which Philadelphia ranks above any city of its own age and kind, are largely due to Penn's wise choice of a site and to his systematic construction.

It was inevitable that Penn's colonial fortunes should suffer by the downfall of his patron James. There is no trace of any formal act of deprivation; but in 1692 Pennsylvania was included in the commission granted to Benjamin Fletcher as governor of New York. A better and a wiser man than Fletcher might have used the opportunity as a stepping-

stone to some form of permanent union. A man of more purpose and concentration might have provoked a rebellion. Fletcher was arbitrary and brutal, but there was very little continuity or definiteness of purpose in his tyranny; and his loose private life and gross official corruption constantly put him in the power of those whom he wished to oppress. In one important point the liberty of Pennsylvania gained by his appointment. Hitherto, as we have seen, the representatives of the people had no power of initiating legislation. Now, either through weakness or through ignorance of the pre-existing constitution of the colony, Fletcher acquiesced in their exercise of that power. In 1694 Penn was restored to his proprietary rights. But the ground accidentally gained, as one may fairly say, by the Assembly under Fletcher was not lost; and their right of legislation was formally confirmed by an Act of Settlement approved by the Proprietor.

In 1699 Penn revisited the colony. Two years later a dispute broke out, the first of a long series arising from the same cause. Pennsylvania was called upon to contribute to the fortifications of New York. The Assembly might have anticipated the attitude so often taken up by its successors, and protested against military expenditure as inconsistent with the principles on which the colony was founded. It might have anticipated the attitude taken up seventy years later, and pleaded the right of self-taxation. It was content to take lower ground and to plead poverty. In Penn a statesmanlike view of the necessity for colonial defence was stronger than sectarian prejudice, and he remonstrated with his settlers, but to no effect.

The dispute between the Territories and the main body of the colony had been temporarily patched up by a provision that the Assembly should meet alternately at Philadelphia and Newcastle. The colony now claimed that the Assembly when meeting at Newcastle should only legislate provisionally, such legislation to be confirmed at Philadelphia. The inhabitants of the Territories not unnaturally resented this demand. This and other questions were settled in another charter superseding the previous one, and settling, so far as any such settlement could be final, the constitution of the colony. The chief points of difference in the new system were that provision was made for a possible increase in the number of representatives, and that the Territories were allowed, if they chose, to have a separate legislature. This was accepted. The two provinces formed part of the same proprietorship and were usually under the same governor, though with different commissions. In other respects they were distinct. At the same time Penn granted a charter of incorporation to the city of Philadelphia. That was his last official act. In 1701 he left the colony, never to return. His mental powers soon afterwards failed. A few years later we find him remonstrating with the Assembly for their attacks on the Proprietor's secretary and staunch supporter, James

Logan. After this date Penn disappears from the history of the colony which he had founded.

NEWFOUNDLAND

We have as yet said nothing of one portion of the New World occupied by Englishmen. Newfoundland may be looked upon as standing altogether beyond and apart from the colonial system which we have been considering. Geographically, as is obvious, it is connected, not with those colonies which afterwards formed the United States, but with Canada and Nova Scotia. It differs from these, however, in that Great Britain acquired it, not by conquest and treaty, but by right of original and continuous occupation.

We have already seen how Gilbert made an elaborate but unsuccessful attempt to colonise Newfoundland, and how, two generations later, Baltimore renewed the attempt, but without success. Another who acquired certain territorial rights in Newfoundland was Sir David Kirke, better known in connexion with the early history of Canada. Gradually small isolated settlements were formed by Englishmen in Newfoundland, similar to those formed in the territory which afterwards became Maine and New Hampshire. Perhaps the most important of these was one formed in 1610, under a regular patent from the Crown, by John Guy, a Bristol merchant. His attempts to enforce his rights of proprietorship brought him into conflict with the west-country fishermen who resorted to the island.

The first attempt to bring Newfoundland under one definite system of administration was made under the Long Parliament. In 1653 John Treworgie was appointed, by the Council of State, Commissioner for Newfoundland. This practically meant little more than superintendent of fisheries. After the Restoration there does not seem to have been any sustained attempt to exercise authority on the island; and the French were suffered in 1662 to establish a settlement called Placentia. Fortunately for Great Britain, the resources of France, both in population and capital, were already unequal to the demands of Canada. The French could take but little advantage of the foothold thus granted them by the indifference or treachery of Charles II and his advisers; and the English claim to Newfoundland was formally confirmed by the Treaty of Utrecht. It was not, however, till 1720 that the Crown, tardily following up the policy of the Protector, nominated a governor for the colony. He had authority to appoint Justices of the Peace, and he and they were bound by the Common Law of England. But not till the nineteenth century was well advanced had Newfoundland a legislature of its own.

CHAPTER II

THE ENGLISH COLONIES (1700—1763)

GOVERNMENT AND SOCIETY

FROM the beginning of the eighteenth century we may regard the American colonies, if not as a homogeneous community, yet as an organic body bound together by certain principles of administration. There was indeed wide diversity arising from difference of origin, of religious beliefs, and even more of industrial conditions. Against these there were, over and above the connexion with Great Britain, two influences making for unity. Each colony, as we have seen, had a constitution modelled on that of the mother-country; and thus each was of necessity familiar with the same political methods, and imbued in some measure with the same political principles. Moreover, the flowing tide of French aggression was forcing the colonists, albeit reluctantly, to face the problem of common action.

In one respect the British colonial empire was paying heavily for the heedlessness of its rulers at an earlier day. We have already seen how the carelessness with which land had been granted and provinces laid out — a carelessness no doubt in some measure inevitable in the case of an imperfectly known and often impenetrable country — had led to territorial disputes between colonies. A large volume might be compiled from the pamphlets and the correspondence in which are embodied the disputes between Virginia and her neighbours North Carolina and Maryland, between Maryland and Pennsylvania, between New York and Connecticut. These disputes usually had their origin in the refusal of settlers occupying the debatable ground to accept the jurisdiction of the colony which claimed them. Unfortunately the dispute almost always arose in newly-settled and isolated districts, where effective control was most needed and where dispute meant violence.

By 1700 the whole territory continuously occupied or at least claimed by the British settlements reached from the St Croix to the Savannah, along a coast-line, in places deeply indented, of about a thousand miles. In theory each colony had the Atlantic for its eastern

boundary, with an indefinite right of extension westward. To this, however, there was one conspicuous exception. The northern boundary of New York ran not at right angles to the Atlantic, but along the left bank of the Hudson, and thus, inclining northward, blocked the expansion of the New England colonies by giving them a western frontier. New York and Connecticut may be regarded as an isolated projection running westward, and far beyond the normal line, as one may call it, of occupied territory. With that exception the colonies practically formed a belt along the coast, of less than a hundred miles across at its widest.

If we divide the colonies by their constitutions they fall into three groups. Connecticut and Rhode Island were chartered colonies with extensive rights of self-government. The Crown exercised over them no regular and continuous control: it could only intervene in special cases and by exceptional process. Otherwise they were only subject to such restrictions as the Crown or Parliament might impose on the whole body of colonies. In Maryland and Pennsylvania administrative power was normally vested in the Proprietor, subject, as in the chartered colonies, to special intervention by the Crown. In the remaining eight colonies all administrative power was vested in the Crown and exercised through its nominees. Somewhat indefinite powers of legislation and taxation were enjoyed by all the colonies, in varying degrees, and exercised in popular assemblies of similar though not identical nature.

The division by constitutions is, however, one of no great practical importance. A division which has far more real bearing on facts is one which has been already touched upon, namely, that which separates the colonies into a northern and a southern group, the former in some measure agricultural, but tending more and more to become commercial and industrial, and depending mainly on free labour; the latter purely agricultural and wholly dependent on some form of servile labour. We may go further and subdivide the northern colonies. New England, homogeneous in origin and principles, intensely definite in habits of thought and modes of life, stands on one side; on the other side are New York and the Quaker colonies, cosmopolitan and fluid, and lacking in that political and religious discipline which fashioned, for good and evil, the self-conscious and self-reliant New Englander.

That exactness of method and organisation which marked the New England colonies enables us to ascertain with tolerable accuracy their population at successive stages of their growth. We shall probably be not far wrong if we set down the English-speaking population of New England at the accession of George I at about 90,000, of which Massachusetts contributed about half, Connecticut a fourth, and Rhode Island and New Hampshire the remainder in about equal proportions. Of the southern colonies we have no such statistics as warrant us in

hazarding a conjecture. All that we can say is that in the middle colonies the negroes were to the whites in the proportion of about one to seven ; in Maryland and Virginia of one to three ; while in South Carolina they formed a majority.

In race, as in other respects, the New England colonies were by far the most homogeneous portion of the colonies. French Huguenots and Irish Presbyterians occasionally settled in Massachusetts ; and among the former were the founders of more than one prosperous house of business ; but there was no appreciable influx of any alien element. In the middle colonies, on the other hand, over and above the original Swedish and Dutch populations, there were waves of immigration from Germany, Switzerland, Scotland, and Wales. In Virginia and Maryland we find no trace of any foreign element, though doubtless there were individual foreign settlers. But the Carolinas were largely peopled by French Huguenots, by Swiss, by refugees from the Palatinate, and during the eighteenth century by Scottish and Irish immigrants.

In the northern colonies slavery was a mere excrescence, exercising no perceptible influence over industry or social life. Probably in 1700 there were not 6000 slaves in the whole territory between the Kennebec and Long Island. For the negro slave can only fulfil one of two functions. He may be the appendage of a luxurious establishment, or he may be the instrument of a monotonous and unintelligent form of tillage where labour can be organised in large gangs. In New England neither of these conditions existed. Luxury, except at Boston, was unknown. Farms were small, and the sterility of the soil necessitated intelligent and diversified tillage. In New York, on the other hand, the rich merchant could find place for a retinue of domestic slaves ; and the landowner growing corn on a large scale could make use of unskilled labour. Further south, in the tobacco plantations of Virginia and Maryland, negro-slavery was, no doubt, if one sets aside moral and social considerations, the most effective and economical system of labour ; and, as the black was more efficient than the indented white servant and less likely to organise resistance of any kind, negro-slavery rapidly obtained the ascendancy over the earlier system. It is also noteworthy that, whereas slaves were proportionately fewer in New York than in the southern colonies, yet they were evidently objects of greater dread. The legislative restraints imposed upon them were more severe. In the South we never hear of anything like an organised servile insurrection ; but in New York there were negro insurrections in 1712 and 1741. In both cases houses were burnt, and in both the offenders were punished with great severity, some being broken on the wheel or burned alive.

Men have often written and spoken as though the economical development of the colonies had been stifled by the narrow and selfish policy of the mother-country. It is no doubt true that English

statesmen for the most part thought of a colony as a community which existed to supplement the commerce and industry of the mother-country, to receive its goods and to furnish it with desirable imports. In this respect the colonial administration of England differed in no way from that of any other country in the Old World. It differed, however, in this, that, though the men who administered the English colonies might be at times corrupt or negligent, corruption and negligence never undermined the colonial administration of England as they did that of France. Nor is there any reason to think that under a more liberal and enlightened system the colonies would have advanced further in manufacturing industry than they did. In New England repeated attempts were made to encourage the production of textile fabrics by bounties and by importing skilled workmen, but with small success. Only the coarser forms of clothing worn by the poor were made in the colony. Iron, too, was raised, but only of inferior quality; and all cutlery and farm-implements of any importance came from England. Shipbuilding flourished at Boston and in Rhode Island. The chief exports of New England were ship-timber, salt fish, tar, and corn; and the vessels that conveyed these exports did a complex carrying trade among the southern colonies and the British West Indies, with many sales and purchases of cargo. Thus the New England trader acquired a versatility denied to those whose commerce moves regularly in certain fixed and limited grooves.

The trade and industry of the middle colonies did not differ widely from those of New England. Corn, cattle, and other articles of food were sent to the West Indies; the command of the Hudson enabled the settlers to export furs; and already ironworks were carried on profitably in Pennsylvania. In Maryland and Virginia on the other hand there was one staple of industry, and one only, namely tobacco. So completely was it the dominant product of the country that, by the middle of the seventeenth century, it had become the recognised circulating medium of the country and the accepted standard of value. In the early days of the colony much of the coarse clothing worn by the slaves was home-made. As communication with England became more frequent, even this form of manufacture died out. The trade of South Carolina resembled that of Virginia, save that rice took the place of tobacco. North Carolina, the poorest, most backward, and ignorant of all the colonies, was virtually a community of small proprietors living squalidly on the products of their own farms, and occasionally exporting their surplus products, pork, cattle, and tar.

The lines of demarcation separating the various groups of colonies in intellectual and spiritual matters corresponded pretty closely to the differences just sketched in their national progress. In the New England colonies we find a well-organised and firmly rooted ecclesiastical system. It is not enough to say that in New England every township

had a Congregational Church : more truly might it be said that Church and township were the same society seen from different points of view. Against this solid resisting body the efforts of Anglicanism profited little. In Connecticut the Church of England fared better than in Massachusetts. There was always in Connecticut a greater width of thought and more accessibility to new impressions. There Episcopacy obtained as recruits from the Independent ministry more than one man of ability, learning, and high character. Episcopalians, too, were granted a form of concurrent endowment, whereby, if there were a church of their own denomination within reach, their rates for church-maintenance might be diverted thither. Episcopacy in Connecticut also benefited by a movement which ran through New England in the middle of the eighteenth century. The preaching of Whitfield and the emotional religion which it awakened were passionately accepted by one section of the Independent Churches and as passionately repelled and denounced by another; and many persons, alienated by the violence of the contending parties, found a refuge in Anglicanism. In Rhode Island the majority of the inhabitants were Baptists. Quakers were also numerous ; and the residue of the inhabitants were for the most part equally divided into Independents and Anglicans. The system was one of pure voluntaryism; and there was nothing in the moral and intellectual condition of the colony to furnish arguments either to the upholders or the opponents of Church establishments.

The middle colonies were the region where the labours of the Society for the Propagation of the Gospel, founded in 1701, bore most fruit. This was partly due to the fact that there was not, as in New England, any one rival communion in occupation of the field. In religion, as in other matters, cosmopolitanism prevailed. Moreover, the ground had been in a measure prepared by the Swedish Episcopalian Churches, which, remaining dependent on the mother-Church till long after the extinction of Swedish rule, yet maintained friendly relations with the Church of England, and were finally incorporated with it. The reports received from these colonies by the friends of the Church at home give evidence of a vitality, both in increased numbers and also in a growth of zeal and liberality, unknown to the other colonies.

The legal position of the Church of England in New York and New Jersey was somewhat anomalous. Till 1693, whatever support had been given to the Church of England had been given in virtue of certain specific orders from the Crown. In 1693 an Act of extraordinary vagueness was passed, providing for the maintenance of a Protestant minister in certain portions of the province. The Act did not provide for the method of appointment, or impose any test on behalf of any special form of Protestantism; but by a succession of Anglican governors it was interpreted, not without protest and resistance, as making special provision for the Church of England. The state of things in New Jersey

was somewhat similar. There no legal provision was made for any form of worship. Yet more than one governor acted on the assumption that, as the colony was directly dependent on the Crown, and as the governor was a servant of the Crown, the established Church of England had a certain claim to support and to precedence.

In Maryland and Virginia the Church of England was established by Acts of the colonial legislation, in the Carolinas by the Proprietary Charter. In all four colonies Dissenters existed, numerically probably weaker than the Anglicans, in intelligence and spiritual activity fully their equals. In none of these colonies were the learning and character of the clergy or the state of ecclesiastical discipline such as to give the Church any advantage in its contest with Dissent. The clergy of the southern colonies may not have fallen and probably did not fall short of the general standard of life about them : they certainly did not rise above it. The habits of the southern planter, coarse, boisterous, and unspiritual, were often redeemed by his vigour, by his clear recognition of public responsibilities, and by the extensive and exacting demands of private administration. The clergy shared to the full in the temptations of laymen, but not in the counterbalancing influences; and their failure to reach a higher standard was naturally more remarked.

The weakness of Anglicanism in the American colonies has been attributed to lack of organisation and controlling machinery. The appointment of commissaries by the Bishop of London, to whose diocese the colonies in theory pertained, was no doubt an inadequate substitute for direct episcopal control. The establishment of an American episcopate was urgently advocated by Bishop Berkeley. The attempt nearly succeeded, and was only frustrated at the last moment by the imperfectly concealed hostility of Walpole. Yet one may doubt whether any machinery could have done much for a Church which was clearly felt by the majority of the settlers, and especially by the most earnest and spiritually minded section of them, to be exotic, which could appeal to no inspiring associations in the past, and which had done little for the mental and spiritual life of the colonies since they had become separate communities.

Whatever might be the shortcomings of New England, her eyes were never shut to the truth that man does not live by bread alone. Strenuous though her sons might be in the pursuit of wealth, yet material aims were never suffered to stifle the spiritual and intellectual side of life. Her care for education is among the worthiest of her traditions. So early as 1647 the legislature of Massachusetts established elementary schools in all townships of fifty householders, and grammar-schools in all containing more than a hundred. A similar system was established in Connecticut. In Plymouth little seems to have been done before incorporation with Massachusetts. In Rhode Island the first school came into existence in 1640; but it was not till the

eighteenth century that the colony had anything like a regular system of public education.

When we pass into the middle colonies we at once find a change. In reading the records of New York, of New Jersey, and of Pennsylvania, we find the neglect of education occasionally lamented, and the obligation to supply it intermittently recognised and imperfectly fulfilled. There was no comprehensive system enforcing on townships the necessity for providing schools and schoolmasters. About the middle of the eighteenth century, however, a wave of educational progress seems to have swept over the middle colonies, since between 1741 and 1754 colleges were founded in New York, in New Jersey, and in Pennsylvania.

Among the commonplaces of American history is the saying of Berkeley, the cavalier governor of Virginia, who thanked God that his colony had no schools. The indifference of the ruling classes no doubt had its share in keeping the southern colonies without any effective system of education. But their educational deficiencies were far more due to natural causes, mainly to the fact that the tillers of the soil were a class permanently doomed to servile labour, with whom any hope of improvement became more dangerous as it became more possible. The young Virginian of the upper class either had a tutor at home, such a one as guided the studies of George and Harry Warrington, or he was sent to England for education. More than one of the Virginians who played a conspicuous part in the struggle for independence, such as Dulaney and Arthur Lee, had been trained at English public schools or universities. One vigorous attempt was indeed made to introduce higher education into Virginia. After the Revolution, Compton, Bishop of London, appointed as his commissary in Virginia an able and public-spirited Scotsman, James Blair. Through his energy, seconded by that of Lieutenant-Governor Nicholson, and by the liberality of certain London merchants, a college called that of William and Mary was founded in Virginia. It is clear, however, that, in spite of Blair's energy, the college did not become more than a boarding-school with a somewhat disorderly set of pupils.

It was not only in the narrower and more special sense of the term education that the New England colonies stood out pre-eminent. They alone had something which might be called a definite and organic school of literature. English thought in the generation which produced Puritanism was intensely articulate. It instinctively embodied in words its experiences and aspirations with due regard to literary form. Of that spirit there was no lack among the founders of New England. For the New Englander in the young days of his country two subjects overwhelmed all others — the spiritual life of the individual, and the corporate life of the State. Thus the literature of early New England falls into two groups — chronicles, and theological writings. The former are always tinged with partisanship and, with one or two exceptions, are

uncritical in their estimate of evidence, but are redeemed by their tone of glowing and hopeful patriotism, and by a dignity of diction belonging to those who have assimilated the English Bible till their speech instinctively adopts its form. To a modern reader the theology of New England, the sermons and the controversial treatises, can, with very rare exceptions, be nothing but a weariness. Their dogmatising is, for the most part, to us meaningless, buried under the successive strata of thought which three centuries have produced; their controversial fencing has the cumbrous elaboration and tortuousness which were the besetting vices of Elizabethan literature. Yet they claim our respect as written not only by men, but for men, who did not shrink from resolute study and serious thought.

The type of writer of whom we speak passed away as New England changed its character. The New England of 1700, though still orderly, patient and labour-loving, was no longer the Christian Sparta, merciless in its discipline, crushing the individual into subjection to the State, yet strengthening him in the process, at which the founders of Massachusetts had aimed, not without a measure of success. As the life of Boston becomes more and more a reproduction of decorous middle-class English life, so the literature of New England becomes more and more a conventional copy of contemporary English models. We find colonial Steeles and Addisons and Popes without the redeeming graces of instinctive felicity of expression and simple elegance. One New England writer of the eighteenth century, Jonathan Edwards, stands out, it is true, above his fellows. His work is marked by a force and consecutiveness of thought, an exactness of expression, and a wealth of illustrative learning which give him a place among great thinkers. But he is isolated, and in no sense a typical representative of a contemporary school.

In the colonies outside New England we have nothing that can be called a school of literature. We find men in whom colonial life had quickened the habit of observation, and who have left us vivid descriptions of what was striking in the physical life of the newly-discovered world. Virginia produced three writers who at least showed that a colonist could attain a high standard of culture and expression. Stith's history of Virginia, published in 1747, the work of a Virginian clergyman, is fragmentary and uncritical; but it is never tame, and the style has a rolling dignity such as might have been begotten by a study of Clarendon. Beverley and Byrd, both Virginian squires, wrote, the former a history of the colony, the latter a narrative of his exploration in the backwoods, full of freshness and easy correctness.

In journalism Boston, as might be expected, led the way, producing in 1704 the first American newspaper. By 1750 Rhode Island, New York, Pennsylvania, Maryland, Virginia, and South Carolina all possessed newspapers of their own.

GEORGIA

In 1732 another colony was added to the twelve already in existence. The foundation of Georgia was, both in conception and in execution, the work of James Oglethorpe, as fully as the foundation of Pennsylvania was the work of Penn. Oglethorpe was born in 1698. After the Revolution members of his family adhered to the Stewart cause; and he did not wholly escape the suspicion of Jacobitism. After a short military career he settled down on the family property to which he had succeeded, entered Parliament and became a well-known figure in political life and in the fashionable and literary society of London. He was chairman of a Parliamentary committee for inquiring into the state of prisons. What he then saw and learnt turned his thoughts to the necessity of colonisation. He may be said to have taken up afresh those conceptions of colonisation which had been present to the minds of statesmen in the Elizabethan age, but had been overlaid by other motives.

The contemporaries of Gilbert and Ralegh thought of colonisation as a national enterprise, having among its chief objects the relief of the country from the burden of surplus population, and the creation of a check on Spanish aggression. In the actual formation and development of the colonies these considerations had passed out of sight; and the profit of individuals or the advantage of special religious communities had become the foremost consideration. Oglethorpe's design was by the establishment of a colony adjoining South Carolina to form a home where men, instead of pining in debtors' prisons, might live in industry and comfort, and also to establish for the whole body of colonies a barrier against Spain. Accordingly Oglethorpe and his associates, amongst them the well-known philanthropist, Thomas Coram, obtained from the Crown a grant of land south of the Savannah River. The grantees were formed into a corporation entitled "Trustees for the Colonisation of Georgia," with full powers of administration for twenty-six years, after which the control of the colony was to revert to the Crown. For the present the appointment of all officials was vested in the Trustees; nor were the settlers to enjoy any rights of self-government save such as the Trustees might grant them of favour. The needful funds were obtained by contributions from the Trustees themselves, and by appeals to public benevolence.

In October, 1732, Oglethorpe set sail with 114 settlers. The spot chosen for the settlement was a high ground on the south bank of the river Savannah, about twenty miles from its mouth. The site was well chosen, as the river was navigable by large vessels; while the colony was guarded on the water-side by a high and precipitous bank, and landwards by the swampy and impenetrable nature of the country. The settlement

was called after the name of the river. The frankness and kindliness which were leading features in Oglethorpe's character at once won the good-will of the natives, and relieved the colony from all fear in that quarter. Early in 1736 a second settlement was formed, and received the name of Frederica. It was on St Simon's Island at the mouth of the Alatamaha River, about seventy miles south of Savannah. The site chosen faced the mainland, and could only be approached through a narrow strait; and the town was fortified. The colony, though primarily intended for the good of destitute English citizens, was not wholly made up of such inhabitants. There were two foreign settlements, one of Moravians, and one of Protestants from Salzburg who had fled from the severity of a Roman Catholic archbishop. There was also a settlement of Highlanders, of great military value to the colony, forming a township called New Inverness, a little to the north of Frederica. Somewhat later another township was formed at Augusta, about a hundred miles above Savannah, on the river of that name. This, however, was rather a station for the Indian trade than a regular town.

In 1736 the Spaniards in Florida excited Oglethorpe's suspicion by making an armed reconnaissance. Finding the colony, however, stronger than they expected, they abstained from active hostility, and Oglethorpe received a friendly visit from the Spanish Governor. In 1739 war was declared between Great Britain and Spain; and in the spring of 1740, Oglethorpe, relying on assistance promised from South Carolina, resolved to invade Florida and to attack the fortified town of St Augustine. His force consisted of 400 regulars whom he had brought out, two troops of irregular horse and one of foot, and a company of Highlanders, raised in the colony. He had also a large force of Indians, and 100 volunteers from South Carolina, while a fleet of six vessels was to co-operate. He reached St Augustine, but for various reasons could do nothing against it. The garrison had been reinforced, and was stronger than Oglethorpe had anticipated; the government of South Carolina failed to send adequate help; the Indian allies were, as usual, useless for sustained operations; and, most serious of all, Oglethorpe had no siege artillery. Moreover, on such a coast, intersected by creeks and often untraversable, it was scarcely possible to keep up regular communication between the fleet and the land force. The siege had to be abandoned, and Oglethorpe retired into his own colony; but the Spaniards were not strong enough to retaliate or even to harass the retreating enemy.

During the next year the colony was more than once alarmed by the appearance of Spanish vessels, evidently with hostile purpose; but it was not till 1742 that any attempt was made at an invasion by land. In that year a force estimated at 5000 men, supported by a fleet of 41 sail, threatened Frederica. The result fully confirmed what the events of two years earlier had suggested, that in such a country there were

enormous advantages on the side of those who acted on the defensive. Over and above the physical difficulties of the country, the Indians, who were little but an encumbrance to an organised invading force, were invaluable in harassing an enemy advancing through their own country. It was clear, too, that the previous failure had done nothing to dishearten the settlers or to shake their confidence in their general. The Spaniards were worsted in two engagements near Frederica, and their attempts to attack from the sea were equally unsuccessful.

The colony might now reckon itself safe against foreign invasion. It had not escaped other dangers almost of necessity inherent in its origin and composition. Care was taken so far as possible that the colonists, albeit debtors and paupers, should not be the refuse of society. But men who had failed in England were not likely as a rule to make thrifty and industrious colonists, save under exceptionally favourable conditions; and in Georgia the conditions were distinctly unfavourable. The climate was one in which only men of unusual resolution and physical energy, such as were the Salzburgers, could work hard. In the hope of enforcing industry and sobriety, the Trustees forbade the importation of negroes and of ardent spirits. An influential party sprang up among the settlers, which insisted that both the prohibited articles were necessaries of life. Oglethorpe's virtues were great and many; but there was along with them a good deal of the benevolent despot. It is clear that he did not make unpleasant restrictions smoother by his administration. He also came into conflict with John Wesley, who, accompanied by his brother Charles, had come out as a minister. Two such men as Oglethorpe and Wesley, strenuous, self-willed, and sustained by a firm conviction of the integrity of their own motives, could hardly fail to quarrel. Wesley, after more than one act of indiscretion and display of ill-temper, left the colony with a sense of martyrdom.

In 1743 Oglethorpe also departed, never to return. If Georgia had not become all that its founders hoped, one may at least say that Oglethorpe had attained a far larger measure of success than most men could have won with such material. Broken and shiftless men could not be made at once into prosperous and hard-working citizens. But the colony held together: it fulfilled its function as an outpost against the Spanish invasion: it had given the settlers a life far better than that which they left behind. Oglethorpe's associates had loyally and disinterestedly discharged their self-imposed duties, and had administered the colony as a trust for public ends, uninfluenced by any prospect of personal gain. But they might fairly think that, having launched the colony, they were absolved from the duty of supporting and controlling it. In 1752, just twenty years after the foundation of the colony, the Trustees resigned their charter; and Georgia passed under the direct government of the Crown. The restrictions on slavery and the use

of spirits had been already evaded, and were now suffered to lapse. It is clear, indeed, that the prohibition of slavery must for some time have been a dead letter, since at the time of the surrender the population consisted of 2381 whites and 1066 negro slaves.

Before the surrender the colony had no constitution. All power, legislative and administrative, was vested in the Trustees; and, though in 1751 a representative assembly was called, its functions were simply deliberative. When the colony came under the Crown it received a constitution of the normal colonial pattern. There was a governor and a council, who, together with all the executive officers, were nominated by the Crown, and a representative assembly elected by the freeholders.

THE COLONIES AND THE CROWN

As we have already seen, the constitutional development of the colonies was by the time of the Hanoverian accession virtually complete. The chief feature of interest in their subsequent domestic history lies in the administrative relations between the colonists and the home government. Unhappily those relations were largely contentious; and the contention turned chiefly on financial questions. In Massachusetts there was a prolonged dispute or series of disputes about the governor's salary, beginning immediately after the grant of the new charter under William and Mary. The first governor appointed by the Crown was Sir William Phipps, a vigorous and enterprising seaman. He was a native of Massachusetts, by birth one of the people, and in the disputes preceding the Revolution he had stood loyally by his own colony. His appointment was distinctly a concession to the feelings and wishes of Massachusetts. Nevertheless, in spite of his own demand for a fixed salary, the Assembly would not do more than vote him an annual grant. Exactly the same policy was adopted towards his successor, Lord Bellemont. Bellemont was also governor of New York; and troubles in that colony, arising out of piracy, left him no leisure to resist the Assembly of Massachusetts.

Bellemont's successor, Joseph Dudley, was peculiarly odious to what one may call the national party in the colony. His father had been one of the strictest and narrowest among the Puritan founders of Massachusetts. The son had held office under Andros, and was thus looked on as worse than an open enemy, as a deserter, and an apostate. Dudley, understanding the principles and objects of his countrymen better than did Bellemont or the advisers of the Crown in England, saw that the question of fixed salaries to the governor and other officials was of vital importance. On it turned the question whether the officials were to be independent servants of the Crown or merely its nominees, dependent after appointment on the good-will of the Assembly.

The Board of Trade, acting as the advisers of the Crown on colonial questions, supported Dudley's views in favour of fixed salaries. But the Assembly stood firm. In 1705 the two Houses presented a joint address to the governor, in which they laid down the doctrine that it was "the native privilege and right of English subjects to raise and dispose of money according to the present exigency of affairs." Dudley's personal unpopularity beyond doubt embittered the dispute. But the action of the Assembly fifteen years later made it clear that the contest was one of principle. In 1720 the governorship of Massachusetts was conferred on William Burnet, son of the Bishop of Salisbury. The father's Whiggery and latitudinarianism might be held in the eyes of New Englanders to wipe out the taint of episcopacy; and the reception given to the son clearly showed approval of the appointment. But neither Burnet nor the Hanoverian government which appointed him had any intention of accepting the interpretation of Whig principles for which the Assembly of Massachusetts was contending. The Crown adopted the exceptional course of sending out by the governor a distinct instruction to the Assembly. "As they hope to recommend themselves to the continuance of our royal grace and favour, they must manifest the same by immediate compliance with what has been so often recommended to them." The instruction went on to say that the recommendation in question was the payment of a fixed salary. The amount was specified as at least £1000; and the Assembly was warned that non-compliance would be regarded as "a manifest mark of undutiful behaviour," and would necessitate the intervention of Parliament. The Assembly showed that clear and lawyer-like perception of the real issue which marked the proceedings of the colonists in the great dispute half a century later. They voted Burnet £1700, but a fixed salary they would not give. Burnet at length succeeded in winning over the Council, but the representatives were inflexible; and when he died in 1729 the dispute was still unsettled.

Burnet's successor, Jonathan Belcher, was a rich and influential Boston merchant. He had been first a representative and then a councillor, and had been sent by the Assembly to England to plead their cause in the question of salary. No self-respecting man would have accepted a position which necessarily compelled him to turn his back on the very principles which he had just advocated. Belcher's career had shown that he had an elastic political conscience; and the advisers of the Crown might have seen that it was a fatal error to entrust their affairs to a deserter from the popular cause, liable at every moment to be confronted with his own declarations. Again a fixed salary was demanded and Parliamentary intervention threatened, and again the demand was refused. This time the victory of the Assembly was complete. Henceforth the governor was allowed to accept a grant annually voted; only the condition was imposed and accepted that

the grant must be made at the beginning of the session, so that the governor might retain some measure of independence. There were citizens of Massachusetts engaged in that dispute who lived to fight the battle of the Stamp Act and the Tea Tax; and we cannot doubt that the feebleness of the British government in abandoning a claim so strongly and so persistently asserted was not forgotten by them. It should be noticed, too, that the Assembly was fighting not against an immediate practical grievance which bore hard on individual citizens, but against a system the evils of which were dormant and potential rather than actual.

Massachusetts was not the only colony in which the question of taxation gave rise to conflict. In Virginia, Governor Dinwiddie claimed in 1753 the right to levy a fee fixed by himself on all documents that required the use of the public seal. The Assembly protested and petitioned the King. The petition was rejected; but it appears from Dinwiddie's letter that the attitude of the Assembly led him to modify his demands. In Pennsylvania a financial dispute raged between the Assembly and the Proprietors. The latter claimed that their lands, of which large tracts were unoccupied and unremunerative, should not be rated on the same terms as the rest of the colony. The Assembly denied the claim to such exemption, and in retaliation refused to levy money for public purposes till the claim was withdrawn, notwithstanding that funds were urgently needed to protect the colony against Indian and French invaders.

It will be noticed that all these disputes were concerned with financial matters, and that two of them turned on the broad general question, the right of the colonists to tax themselves. The inevitable result was to give to the colonial conception of liberty a certain practical definiteness and hardness, to divest it of sentiment, and to teach men to fight for it in a technical, lawyer-like temper. When Burke said that taxation had been always the battlefield on which the fight for English liberty was waged, he might have gone further and said that, of all Englishmen, this was most peculiarly applicable to the American colonists.

Other influences had been at work to make them look with suspicion and apprehension on the financial claims of the British government. Though the hardships of the restraint imposed by the mother-country on the commerce and industry of the colonies have often been grossly exaggerated, yet it cannot be doubted that they were enough to create friction and to beget a sense of grievance. The commercial legislation affecting the trade of the colonies falls under two heads — the Acts controlling exportation and importation, and those controlling production. Of the latter we have already spoken. It will probably be convenient to make a clear enumeration of what the former actually were. By an Act of 1660 certain enumerated commodities, being all the chief products of the colonies, could be landed only in British ports. Two later Acts

extended this restriction. Security must be given at the time of loading that the goods should be imported either to an English or Scottish port, or to one in a British colony; and in the last case a duty had to be paid on loading. Moreover, under the Navigation Act of 1660, European goods might not be imported into the colonies except in ships either of Britain or the British colonies, sailing from British ports. This restriction, however, was relaxed in the case of salt, which was necessary for the New England fish-curers; moreover, it did not apply to trade with foreign colonies. But in 1733 an Act was passed which, if strictly enforced, would no doubt have borne very hardly on the New England colonies. Large quantities of molasses were habitually imported from the French West Indian islands into the American colonies and used for making rum. The British government, for the benefit of its own sugar plantations, imposed a duty on all molasses imported from foreign colonies.

The view that these restrictions exercised a crippling influence on the trade and industry of the American colonies is often met by the answer that they were systematically and almost universally evaded. It is true that the pamphlets and official documents of the time are full of complaints of smuggling; but they seldom are specific enough to enable us to gauge the real extent of the practice. It must be remembered, too, that smuggling meant not only evasion of the British Navigation Acts, but also evasion of the import duties imposed by the various colonial governments; and those who complained were not always careful to discriminate between the two. Undoubtedly the two restraints which bore most hardly on the colonies were the Molasses Acts and the prohibition to export tobacco to the continent of Europe. It is certain that both were largely evaded. A shipowner was bound to report all tobacco loaded on board his vessel, and to give security for its delivery in a British port. As a matter of fact a supplementary cargo could be carried out at night in boats and shipped. The absence of any one chief port in Virginia, and the number of navigable rivers and therefore of private landing-stages, made effective supervision well-nigh impossible. The contraband import of European commodities seems to have largely depended on the above-mentioned contraband export trade. Indeed the two almost of necessity went together. If an American vessel landed a cargo in a foreign port, it was clearly better to load with French silk and foreign wine and sail straight back to an American port than to excite suspicion by touching at a British port.

Whatever may have been the extent of this contraband trade, there can be little doubt that the commercial restrictions begat a sense of oppression and a habit of evasion. Yet, in estimating their justice, we must not forget that the mother-country granted compensatory advantages. The tobacco trade of Virginia was rendered possible by the prohibition against growing tobacco in Great Britain, while bounties

were given for ship-timber and naval stores; but this class of products supplied another source of dispute, in the persistent and legitimate determination of British officials to retain the woods and unoccupied land as a source of supply for naval timber.

There was yet another fruitful source of dispute between the home government and the colonial assemblies. The latter were constantly seeking to meet financial difficulties by the issue of paper-money. The causes of this desire were of two kinds, commercial and political. All the colonies suffered from lack of specie. In some the difficulty was partly surmounted by what one may call a system of modified and legalised barter. In Virginia, as we have seen, tobacco was the accepted form of currency. In New York beaver-fur held at one time the same position. There was in New England a curious and complex system by which certain commodities were declared to be legal tender at a fixed value. As might have been expected, the vendor indemnified himself by having two prices, one for specie, the other for what was called "country pay."

The deficiency of specie naturally made men welcome the issue of paper; and this in turn reacted and diminished the supply of specie. For it is an accepted economical law that bad money drives out good; or, to put it differently, if one form of currency will circulate more generally than another, no one will introduce that other into an area where both forms are of equal value, or keep it there. The demand for paper-money was further strengthened by administrative considerations; for if payment in kind is inconvenient to the private trader, much more is it so to the collector of public dues. Moreover, there is a natural tendency on the part of young and hopeful communities to escape from financial difficulties by mortgaging their future.

The problem of raising funds for public purposes was also beset by special difficulties. For, while there was plenty of wealth in the colonies, that wealth was mostly in the hands of men actively engaged in trade, and thus took the form of floating capital, not of those accumulations which are the easy and obvious prey of the public financier.

It was natural that the home government should oppose such a policy, for the real inconveniences of a paper currency made themselves felt far more in intercolonial than in internal trade. Thus we find the records of almost every colony full of disputes between governors endeavouring to carry out their instructions prohibiting the issue of paper-money, and assemblies bent on taking a short road to financial relief and prosperity. In 1720 an order was issued by the King in Council forbidding governors of colonies in America to sanction the issue of bills of credit. It may be doubted how far this instruction was held to apply to the proprietary or chartered colonies, two of which — Pennsylvania and Rhode Island — were among the chief offenders. But this limitation did not apply to an Act of Parliament passed in

1744 containing the same prohibition. Since the belief in the enriching power of a paper currency is a delusion deeply rooted in the human mind, we may be sure that the action of the Crown and of Parliament was looked upon as a real and serious grievance.

The ill-advised attempt of James II to consolidate the colonies north of the Hudson into a single province bore witness to the necessity of some form of administrative union. There is hardly a bundle of colonial papers from 1700 to 1750 which does not contain some document insisting on that necessity. The one redeeming feature of Leisler's career was that he convened a meeting of deputies from the northern colonies to make arrangements for an invasion of Canada. The convention met at New York in May, 1690. Unhappily Leisler's arrogant and tactless disposition prevented any practical result. In 1751 the governor of New York invited representatives of all the thirteen colonies to confer with the Iroquois confederacy about an alliance ; but nothing was aimed at in the nature of permanent union. In 1754 William Shirley, one of the most vigorous of colonial governors, obtained the permission of the British government to summon a convention of colonial representatives at Albany. A scheme for a federal union was then laid before them, drawn up by perhaps the ablest and most statesmanlike man who had as yet borne any part in colonial affairs, Benjamin Franklin.

Franklin's scheme for colonial union was approved of by the Convention. He proposed a council elected by the colonies, with a president appointed by the Crown. The difficulty of proportioning representation to the population of the various colonies and yet preventing the smaller colonies from being virtually annihilated was surmounted, not, as in the later Federal Constitution, by establishing two chambers, but by varying the number of representatives assigned to the different colonies, and giving to none less than two or more than seven. The president was to have a veto, the Crown a further veto. Military appointments were to be made by the President and approved by the Council, civil appointments *vice versa*. The administrative functions of the Council were virtually limited to three subjects — defensive war, Indian trade, and the distribution of unoccupied lands. The weak point of the system was that it provided no machinery whereby the Council could exercise any authority over individual citizens, or could even enforce its decision on a refractory province. The scheme was disapproved by many of the colonists as giving too much power to the Crown. It was rejected by the home government as giving too much independence to the colonies. In this Franklin ingeniously found a proof that he had hit upon the happy mean.

CHAPTER III

THE FRENCH IN AMERICA

THE French empire in the New World has vanished, leaving behind it ineffaceable monuments of the grand political conception of which it formed part. Wherever that empire had an actual existence, the distinctively national French characteristics still appear, little if at all weakened by change of sovereignty and long lapse of time. Even if no vital forces had survived its decay, its historical literature alone would stand as a worthy monument of the great past. The story of that past is known in marvellous detail — in detail to which British colonial history can scarcely offer a parallel. All that can be attempted here is to mark the chief stages in the rise of the French power and to analyse the element of strength and weakness shown in the development of Canada, Acadia, Louisiana, the French Antilles, and French Guiana. The fact that the course of British colonisation runs closely parallel serves to point the meaning of the chronological sequence of events and to assist by contrast the analysis of the French colonial character.

Although the tropical and temperate colonies cannot for most purposes be treated as one, yet the changes in the system of government of each coincide so closely that the history of them all falls conveniently into well-defined periods. The first period, that of inchoation, ends with the creation of the two Companies, the Company of New France, and the Company of the Isles of America, in 1627. Their period of rule ends in 1664, when Colbert created his Company of the West. Colbert's period, 1664–83, may be treated as one; for, although it divides sharply in 1674, when the great Company of the West ceased to be, and when the colonies passed under the control of the Crown, Colbert's scheme possesses a unity which absorbs the subordinate question of trade monopoly. The fourth period, 1683–1713, covers the attempted foundation of Louisiana, shows Canada militant and West Indian trade nascent. In conclusion, the period from the Treaty of Utrecht to the Treaty of Paris, 1713 to 1763, covers the death-struggle of New France and opens the golden age of the French sugar-islands.

The English priority in successful settlement was of about twelve

months only. The last unsuccessful attempt at a French Canadian settlement happened to coincide with the first successful planting of a permanent English colony in Virginia. In 1608 the first permanent French colony was planted in Canada; and the New World rivalry began. But as in both France and England the memory of past discovery still lived, educated opinion dated the rivalry yet further back. The French looked back to Verrazzano as the English looked back to Cabot. The direction of French efforts was determined for all time by the discoveries of Cartier, 1534–41; by the raising of the royal arms in the mysterious Norumbega, Canada, and Hochelaga; by Roberval's attempted colony of "New France"; by the fort erected at Quebec. Powerful to influence the imaginations of English and French alike were the fate of Ribault and Laudonnière's Huguenot colony in "Carolina," 1562–65, and the story of Hawkins' visit to it, of its fate at the hands of the Spaniards, and of the French vengeance. Nor had the fishermen of the two countries waited for politicians to direct them in search of a harvest in the New World.

Already a few French traders, undirected by authority, found profit in trading with the natives for their furs in the Tadoussac district on the northern shores of the mouth of the St Lawrence, when in 1598 the Marquis de la Roche, like another Gilbert, decided to renew the letters patent which he had received in 1578 and to settle a colony there, as lieutenant-general of the King in Canada, Hochelaga, the Newfoundlands, Labrador, the river of the Great Bay, Norumbega and the adjacent islands. Backed by a company possessed of the monopoly of trade in this unknown region of many names, a colony of forty men reached Sable Island, a barren sandbank off the coast of what is now Nova Scotia. The Marquis returned, and the colony was not revisited till 1603, when the miserable remnant of twelve came home. But the merchants of Dieppe, Rouen, St Malo and Rochelle, eager to seek a share in the monopoly of the nascent fur-trade, supported the next patentee, the Huguenot de Monts, who in 1603 was styled Lieutenant of the King in New France or La Cadie (said to be the Micmac Akăde), between the 40th and 46th degrees. A settlement was made in 1605 at Port Royal, now Annapolis in Nova Scotia, and de Poutrincourt received the first grant of land. In 1607 the colony was abandoned, and de Monts with difficulty got his charter renewed for one year. He then made good use of his time; Port Royal was re-established, and the explorer Champlain, who had already visited the coasts afterwards to be known as those of New England, extended the range of trade so far that a *habitation* was built at Quebec. A first winter was successfully passed, and there never again ceased to be French colonists on the St Lawrence. Champlain in the first instance seems to have desired settlement mainly as a means of supporting exploration and missionary work. For these purposes he chose the northern shores of the St Lawrence. The small settlement at Port

Royal offered no opening for the discovery of an inland waterway westward, none for a wide range of dealings with the Indians; from the first, then, the Acadian and the Canadian settlements were unfortunately separated. In its haphazard character, the choice of Acadia for settlement seems English rather than French, and remains a memorable exception to the French rule of attempting at least an apparent unity. The necessity for union between Canada and Acadia was ultimately perceived, notably by Talon; but the two colonies which formed New France never succeeded in adding to each other's strength.

An indication of an early intention on the part of the Crown to treat the colonies on imperial principles appears in the title "Viceroy," long before given to Roberval and now again to Condé, as whose agent Champlain acted from 1612 with the title "Lieutenant-general." But a company of merchants continued as before to supply the funds.

The missionary purpose having been constantly advanced as a main portion of the intended colonial work, Condé in 1615 allowed the Franciscan Récollets to join the settlement. The Jesuit Fathers were also seeking to establish missions, on the model of those of Paraguay begun in 1609. Their opportunity came after the assassination of Henry IV, when, in 1611, the Marquise de Guercheville won the Queen-mother's support and obtained leave to plant all the land from Florida to Canada except the already granted Port Royal. The result was a third and short-lived settlement, in which the missionary object was for the first time the sole acknowledged aim, planted in Penobscot Bay and called St Sauveur.

In 1606 James I had chartered two companies to plant between the 34th and 45th degrees, granting them exclusive trade in return for homage and a fifth of treasure. The southern colony of the London Company alone flourished, but it grew rapidly and in 1611 numbered 700 souls. When the news of French settlements within the 45th degree was brought to Jamestown, the order for their destruction was issued. Port Royal and St Sauveur were wiped out in 1613, and the English thus first forcibly entered claims to a supremacy which they were unable to maintain. Some protest was made, but the justice of the claim was not then discussed between the two nations; Madame de Guercheville was able to secure compensation for her personal losses only.

Meanwhile under Champlain's leadership the waterways were methodically traced out from the St Lawrence to the southern end of Lake Champlain, and on the west to the head of Lake Ontario and along the Ottawa. It was Champlain's energy and the zeal of the Récollet missionaries which kept the little settlement from actual diminution. When in 1625 the Jesuits arrived in Canada, the population of the fort varied from 50 to 60; and only about twenty acres were under tillage. The trade monopolists had felt no interest in the creation of a self-supporting colony; trading-posts sufficed for their purposes, and Champlain was not able to promote a wider policy, until in 1627 he won the sympathy

of Richelieu, whose desire to secure a great sea-power made him perceive the wisdom of enlarging the limits not only of French trade but also of French settlement.

The decay of the Spanish empire opened to the Dutch, the French, and the English the possibility of a colonial expansion which fitted in with, and was necessary to, the development of the political and commercial ideas of more far-sighted thinkers. Commercial and political principles combined to point the necessity for a navy strong enough to protect the colonial trade, and to prevent all other nations from sharing in its profits. Colonies produced salable commodities; and the carrying-trade developed a mercantile marine. A subsidiary consideration was the desire to secure strategic coigns of vantage and convenient stations for receiving a fleet in distress. The time had not yet come for the development of wider views. Indeed, the possibility of depopulating the mother-country was acknowledged to be a serious danger; nothing had occurred to suggest hopes of great racial expansion.

The risks involved in colonial speculation were still so considerable, and the amount of superfluous capital was still so small, that the Dutch, French, and English as yet saw no means to develop colonial trade other than the privileged company, forgetful of the many occasions on which the timely arrival of an unlicensed vessel had saved a dying colony. Richelieu's creation of the Company of New France, consisting of one hundred and twenty Associates, in 1627, marks an epoch in the development of French colonisation, inasmuch as now for the first time government support was offered to supply the want of adequate voluntary contributions. The Association was on a larger scale than the earlier companies; its acknowledged purpose was wider; and the subscribers (one of whom was Richelieu) were men of very different ranks. The twelve largest shareholders were to be ennobled, and many privileges were extended to those who took up the stock. The Company's merchandise was exempted from customs, and the King promised to provide two vessels of war for the Company's service. Entire possession of the soil was given to the Company, together with rights of justice and lordship, from Florida to the Arctic Circle, and the monopoly of all trade, except in the cod and whale fisheries, which were free to all French subjects. In return, the Company rendered homage and fealty, and submitted to certain conditions. Two or three hundred artificers were to go to Canada at once, and in the course of fifteen years at least 4000 men and women were to be sent, and maintained for three years. All emigrants were to be French and Catholic, and for each *habitation* three ecclesiastics were to be provided by the Company. The missionary purpose was put forward prominently. But the capital of the Company amounted only to 300,000 *livres;* and here was a principal source of weakness. The experiences of the Virginian Company, under more favourable conditions, proved that a far larger capital was necessary.

Still more inadequate was the capital provided for the French Company of the Isles of America, viz. 45,000 *livres*, of which Richelieu subscribed 10,000. While on the mainland France and England were entering claims extending from Florida to the Arctic Circle, and from the 34th to the 45th degree, respectively, in the West Indian islands similarly extensive and unsubstantial claims were entered by both parties, and again with a close coincidence in date. As the Spanish supremacy lapsed, the smaller West Indian islands were deserted and left open to adventurers of all nationalities. The Englishman Warner and the Frenchman d'Esnambuc alike selected St Kitt's, one of the Leeward Islands, deserted by the Spaniards, as one of the most convenient whence to direct attacks on a larger spoil. It is possible that the two rivals chose the same island in order to use each other's alliance in case of danger from Spain. Both foresaw great opportunities in the future, and both came home to seek government support in their undertakings. To the French Company were granted all the islands not possessed by Christian princes that lay between the 11th and 18th degrees, with a reservation of a tithe of the produce to the King for twenty years. The English counter-step was the grant of all the Caribbean Islands between the 10th and 20th degrees to the proprietary government of the Earl of Carlisle (1627).

Similarly, in Guiana a company of Rouen merchants, in 1626, sought to follow up beginnings which dated from La Ravardière's enterprise (1604); but here again the English had entered claims by more than one attempted settlement. But the dangers of the climate, the hostility of the natives, and the jealousy of the Dutch and Portuguese, long made permanent settlement impossible alike to French and English. The long story of failure is interesting mainly as an indication of the wide geographical range which the Anglo-French colonial conflict covered from the earliest period.

The second period of French colonial history, from 1627 to 1664, is a period of quiescence, in which slowly but surely some of the main roots struck. The brilliant hopes for Canada's future, which the Company of New France had raised in French bosoms, were doomed to an abrupt disappointment; for the English colonists seized the opportunity created by an outbreak of hostilities with France, to cut off the fleet sent to the relief of the Catholic colony. The scheme of attack, directed by the Kirkes, the Calvinist sons of a Scotch settler in Dieppe, was so well concerted that in 1629 Champlain and the little fort of Quebec had no choice but to surrender, and, till the peace of St Germain, 1632, New France was an English possession.

For a time the English claim threatened pressure at all points. The work of Guy and Calvert promised permanent settlement in Newfoundland. The foundation of colonies at Plymouth and Massachusetts Bay showed that the question of the Acadian frontier must grow serious.

In 1621 James I granted to Sir William Alexander the "isle and continent of Norumbega"; the continental portion to be styled New Alexandria, the peninsular Nova Scotia. In 1627 Alexander's son made a settlement opposite Port Royal, and the son of La Tour, the French successor to de Poutrincourt, withdrew to Cape Sable. With the formal restoration of Canada and Acadia in 1632, a better regulated attempt at their colonisation followed; but the proposal to make three provinces of Canada, Port Royal, and Cape Breton rendered La Tour jealous of the rival governors, and he encouraged interference from the now flourishing New Englanders. In 1656, with Cromwell's co-operation, the Acadian settlement once more passed to the English and was granted to Sir Thomas Temple, who vigorously developed it. But in 1667 Charles II's French sympathies compelled the restoration of the much debated territory. No boundary-line, however, long remained satisfactory to both parties, and the weakness of the French colony exposed it to continual attacks on the part of its powerful neighbour. Eventually the Kennebec River was to become notorious as a sort of "no-man's land," where encroachments might, or might not, constitute serious offences, according as the exigencies of the moment and the readiness of the rival parties to proceed to larger issues should determine.

After the restoration of Canada the zeal of the Company began to fall off; and in 1663 the population was only 2500, at a time when the town of Boston numbered 14,300 inhabitants, and Virginia over 80,000. A main cause of the backwardness of Canada lay in the particular circumstances that the colonists were called upon to meet. Unluckily for France, Champlain's arrival in Canada had coincided with the rise of the Iroquois confederacy of Five Nations and the outbreak of hostilities between the races south of the St Lawrence and the Algonquin races, inhabiting the Lake districts and the River valley. It was natural and necessary that the scanty band of settlers should seek a friendly alliance with the natives whose habitations lay nearest to them or into whose lands they pushed their explorations; but these natives happened to belong to tribes destined ultimately to succumb in one of the internecine wars which had continually thinned the native population of America. The hostile confederacy is believed to have numbered in the height of its power not more than 2200 fighting men; but the race of the Mohawks, Senecas, Cayugas, Onondagas, and Oneidas, who made up the Five Nations, was superior in quality to that of the Algonquins and Hurons, the French allies. Their power of permanent confederation supplies evidence enough of their superiority. By lucky accident the English settlements escaped the path of the Iroquois. The tribes that had occupied the New England coasts had been devastated by disease shortly before the arrival of the Puritans, and in Virginia, too, none of the tribes that were dislodged belonged to the races whom a great future awaited. The path of the Iroquois naturally stretched northward and westward to the hunt-

ing grounds, rather than east of the Alleghanies to the coast. Even if the future growth of the Iroquois power could have been foreseen, a neutral position was impossible for intruders so weakly supported as were the early French traders. According to Champlain's belief he and a force of 120 soldiers supported by his two or three thousand savage allies could force English and Dutch to retire to the coasts, and could then keep the general peace with the Iroquois.

A policy of extermination was no part of the French scheme. It was Champlain's hope that the beginnings of New France might be made easy by a warm friendship with the Indians. If a large French population failed to emigrate, the example of the Spanish colonies showed that the natives themselves could be used as labourers. In order to be gallicised, the Indians must be converted, and the converts must be protected from the raids of the heathen. But the very process of conversion and protection, the insidious effects of contact with civilisation, and the pressure of repeated Iroquois attack, involved the unintentional destruction of the tribes whose alliance was most easily secured.

The position of the Hurons in the neighbourhood of Lake Simcoe had made them a defence to the tribes north of the lakes; with the fall of the Hurons the Algonquins were the next exposed. Thus it happened that the missionary work which engaged the best efforts of the French from 1632 to 1664 was deprived of a large part of its usefulness; and during this period it was missionary work alone that met with enthusiastic support at home.

The members of the Company in whose hands the future of the colony lay, for the most part perceived that their chances of personal profit depended on the fur-trade. A large population of French farmers was not to their advantage; for agriculture diminished the profits of the chase, and in a forest-country yielded a low return. No chartered company had yet found profit in an agricultural colony, and the northern shores of the St Lawrence, being the coldest portion of the country, offered the least hope. Quebec, Three Rivers, and Montreal, each ninety miles distant from its neighbour, were planned as trading-posts only. Of the total population one-third was gathered at Quebec, the least sheltered and least fertile of the three. During the long winter there was no communication between the three posts except on snow-shoes. So slight was the Company's success, even in the fur-trade — for systematic fraud on the part of its officials could not be effectually checked — that the temporary cession of its privileges was found to be advantageous. In 1645 the Canadian colonists obtained the fur-trade in return for an annual payment of a thousand pounds' weight of beaver-skins. The Company still allowed no stranger to go to Canada except on its own vessels, and fixed a tariff for the purchase of furs. The Company chose the Governor-General, and on rare occasions he was

assisted by a Council consisting of the Superior of the Jesuits, and of three syndics representing the inhabitants of Quebec, Montreal, and Three Rivers. Appeal might be made from the judicial decisions of this council to the *parlement* at Rouen. The *habitants*, who came for the most part from Normandy, were free from litigious spirit, and such disputes as arose were settled by the governor in the way of arbitration.

The emigrants from France consisted mainly of humble artificers who bound themselves to work for three years without payment, in return for their passage and keep. At the end of the three years they might hope to receive a grant of land *en roture* from one of the lords of lands whom the Company had enfeoffed; or, if they preferred a life of adventure, they entered the fur-trade. The number of enterprising heads of families seeking to raise the family fortunes by taking up a grant of land *en seigneurie* was as yet very small. Beyond an increase of dignity, such grants offered little advantage. A seigneurial grant of some ten leagues by twelve was merely hunting-ground, unless the lord could obtain labourers willing to take grants *en censive* or *en roture*, who paid a nominal rent per acre, together with some agricultural service on the lord's demesne. The burden of defence was great when the danger of Indian raids grew serious; and agriculture was not as a rule carried on except in close proximity to the three forts.

The men to whom emigration offered the greatest attraction during this period were not those who sought to found a family or fortune, but those who sought the crown of martyrdom, or, if life at all, a life of religious devotion and perpetual celibacy. Monastic sentiment found in the French colonies a remarkable revival. The Jesuit father's reflexion, "should we at last die of misery how great our happiness will be," animated men to endure hideous mutilations and agonising sufferings at the hands of the Indian enemy, and made them indifferent to starvation, thirst, fatigue, and the torments of Canadian forest travel. Women, too, crowded to the new country in order to deny themselves the pleasures of the old, to tend the Indians dying of small-pox, and to teach Indian girls to seek with them the crown of virginity. The growth of religious institutions was for the present out of all proportion to the development of the State, which above all things required population. But the lines of Jesuit enterprise were fairly varied. Unlike the Récollets, the Jesuits were under no vow of poverty and encouraged agriculture and trade with that definiteness of purpose which they possessed by virtue of their intellectual superiority. At home their work was kept constantly in mind by their writings, by their appeals for help, and by the Crown itself.

In all but population and strength to resist the Iroquois the little colony stood well. Men of bad character were not allowed to stay, and care for the education and well-being of the Indians was a first thought with those who had power. Humanitarian influences were

unusually strong, and the evils which generally accompany the movements of alien settlers, whose civilisation is in advance of their environment, were conspicuously absent.

In what has been called the second period of French colonisation, 1627–64, the close parallel which marked the nascent stages of the French and the English settlements in the tropical islands ceases; for the English colony in Barbados developed with astonishing rapidity and completely eclipsed the French islands. The isolated situation of Barbados far to the windward, the work done by the Dutch, and the character of the English immigration, made it possible early to exploit the fertility of this small island, which is only about the size of the Isle of Wight; and in their turn the other islands would be exploited. Very wild figures have been given as to the population of Barbados in 1650; they serve mainly as an indication that immense prosperity was believed to exist there. In 1650 half an estate of 500 acres, of which 200 were under cane, sold for £7000. In 1636 there were about 6000 English in the island; in 1656, 25,000 Christians; in 1643, 6400 negroes; in 1666, 50,000. But the first twenty-five years of rapid development were followed by a gradual decay. The destruction of the woods deprived Barbados of rain; and the white proprietors began to migrate. In 1676 it was however still inhabited by 21,000 whites, and by over 32,000 negroes. In the same way Jamaica developed after the English conquest, but not with such startling rapidity.

Neither Martinique nor Guadaloupe witnessed anything like an equal progress in population. At first the Company of the Isles of America, or of St Christopher as it was also called, had been powerless to exclude foreign trade; and for this reason the islands began to flourish, and the Company then began to crave the returns which it believed to be due to its expenditure. When a royal order had been issued closing the trade to foreigners the Company was reconstituted with larger capital and privileges (1635). It now aspired to settle all the islands unoccupied, or where joint occupation could be effected, as at St Kitt's. Its sovereignty was conditional on the despatch of 4000 French Catholics within twenty years, with due ecclesiastical provision. The condition, which in Canada was not fulfilled, was in this case quickly satisfied. Nevertheless, the failure of the Company became far more rapidly obvious in the islands than in Canada; for the openings for contraband trade were here almost unlimited, and could be checked only by a large and ubiquitous fleet. The Company overcharged the colonists for European goods, and fixed low prices on the tobacco and other goods which they offered for sale. Consequently, a flourishing Dutch trade soon carried off all the shareholders' profits, and the Company decided to make the best bargain possible by selling the islands to would-be proprietors.

In 1661 Colbert succeeded Mazarin as Controller of Finance; and

the Ministry of Marine came under his reforms. He seized the opportunity opened by a proposed Company of Equinoctial France centring in Cayenne, to form a scheme for the consolidation of the whole of the French colonies in Canada, the West Indies, and Guiana under one great Company, to be controlled by himself. The prices at which the islands had been sold and were now bought back give the best view of their relative value. Martinique with the adjacent islands had been sold for 60,000 *livres* and developed so well under proprietary government, through the introduction of sugar industries by Dutch Jews, that it now cost 240,000. The claims sold to the Maltese Knights for 120,000 *livres* now cost 500,000; and Guadaloupe and its adjacent islands, sold for 73,000 *livres*, cost 125,000 to buy back.

In 1664 letters patent were issued constituting a new Company of the West, with a monopoly of trade for forty years in Canada, Acadia, Newfoundland, the Antilles, Cayenne, and the land between the Orinoco and the Amazon, as also on all the coast of Africa, from Cape Verde to the Cape of Good Hope, and in particular on the coast of Guinea and Senegal, so that a supply of slaves might be forthcoming. The number of shareholders was unlimited, and official and social privileges of many kinds were offered by the government to large subscribers. The government offered a bounty on every ton of merchandise imported or exported, and freedom from duty on all goods re-exported from France and on the export of military stores or provisions for shipping. It also proposed to contribute a tenth of the total capital yearly for the next four years, and afterwards to continue this endowment as a loan. The Company was to have entire lordship over the whole of the lands named, saving only homage to the King; also full powers to fortify, to form alliances, and to engage in war. Subinfeudation was not made compulsory; nor were any terms imposed except that the Company, remembering the King's sacred purpose to convert the savage nations, should send out clergy and build churches. All emigrants, all children born in the colonies, and all converted natives were to have the privileges of naturalised Frenchmen. The nomination of governors and officials lay with the Company; and an annual meeting of the Chamber of Direction was to be held in Paris.

The government offered all these privileges in order to attract the necessary capital for colonisation on a grand scale. The close relation of the Company to the government renders the French scheme of chartered companies unlike that of other countries. It was in fact only a step to the ultimate buying out of the shareholders, which, as no conditions were dictated to the Company, was doubtless foreseen by Colbert. From the first the Company tacitly allowed the Crown to appoint the chief officials. The lieutenant-general and the governors of the islands, being invested with military powers, corresponded with the

King and with Colbert, not with the Company. The slight governmental functions left to its nominees were carefully regulated, so as to allow of supervision by the Crown.

Colbert's intention of dealing with the transatlantic possessions of France as a whole and of protecting them adequately, was clearly shown in 1664 by the despatch of a squadron under the Marquis de Tracy, with powers as lieutenant-general over all the governors, to make a general inspection of Guiana, the Antilles, and finally of Canada. In Canada the necessity of sending disciplined soldiers to break the Iroquois power had long been pressing. A force of 1200 men was sent out; and the result of their brief campaign was to change for a time the relations of the Iroquois to the French Canadians. The Iroquois power was not yet extinguished, but it was so far broken that their chief hope now lay in taking advantage of French and English enmity and in forming alliances with the one or the other as best suited the needs of the moment. The immediate result of the expedition was that roads were made, and forts and missions established, along the line of the river Richelieu and Lake Champlain.

The advance of the French frontier along this southward waterway implied the danger of conflict with the English on fresh ground. The Iroquois had hitherto served as a bulwark between the Dutch in the New Netherlands and the French in Canada. In 1664, again by a few months only, the English were the first to see the necessity of removing the feeble Dutch power which was the one obstacle to continuous settlement along the American coast. By way of exchange for Surinam, the New Netherlands became the English New York (1667). Talon, the Canadian *intendant*, with his usual foresight, wrote in 1666 of the necessity that the French should find on the Hudson a second entry to Canada, one which was not blocked with ice half the year, which would break the English power in its centre, and cut off the English trade with the Iroquois. Although Talon was not allowed to carry out his scheme, the mixed character of the population of New York, their want of sympathy with their neighbours, the ready means of approach by the Lake route, and the exposure of the colony to Iroquois attack, enabled the French for half a century to nurse the hope that it might one day be theirs.

The Carignan regiment which had been sent to quell the Iroquois was disbanded in Canada; and every effort was made to form military cantonments of officers and men who would settle and protect the Richelieu river. The officers were to receive *seigneuries*, and the men cash and a year's subsistence, if they would take up the lands there. During the ten years 1664–74 the population of Canada trebled under the careful guidance of Talon and Colbert. Emigration, settlement, early marriage, and large families were encouraged by every device and decree that could suggest itself within the limits set by considerations of religion and nationality. The neighbourhood of the heretical Dutch and

English population was deemed to make it doubly necessary to exclude the schismatics, lest heretics should become traitors. Free maintenance, bonuses on marriage, on large families, fines on celibacy, the despatch of shiploads of young women, and the forcible prevention of return home were among the means tried to stimulate artificially the increase of population. Louis XIV watched the Canada censuses so closely that he was continually disappointed at what seemed to him slow progress; and, in the end, the artificial encouragements were withdrawn.

During these ten years the form of government, the main lines of which ultimately became fixed in Canada, was gradually shaped. From the first the governor's power had been checked by the Superior of the Jesuits, or by the bishop who acted in their interests. In 1665 the King added further an *intendant*, as successor to the Company's agent-general, with full powers in justice, police, and finance. A clear differentiation of functions was purposely avoided; the governor, with mainly military functions, was ordered to act harmoniously with the *intendant;* and, if conflict arose, Colbert at home decided which official should return. The bishop, as the one permanent member of Council, could check both, and made his power felt through his disciplined army of seminary priests, trained to the control of consciences, and to the use of the weapons of the confessional and of excommunication. Nor was it the intention of Louis XIV to disturb this power so long as it was not used in a manner derogatory to his own sovereignty. The Council, chosen by the Company while it lasted, and on its lapse by the King or the governor, was to be summoned by the joint action of governor and *intendant*. It sat weekly as a judicial body at the *intendance;* and from its judgments there was an appeal to the *Conseil d'État* at Paris.

At first it seemed likely that municipal institutions would develop. In 1663 a meeting of the *habitants* of Quebec and its *banlieu* was convoked to proceed by election to the choice of a mayor and two bailiffs. The election threatened to become a reality; whereupon the system was cancelled, and the municipal idea was rooted out from Canada. De Tracy urged Talon to avoid any "balance of authority among subjects," which might lead to a dismemberment of the community. In 1672 the Comte de Frontenac had assembled the *habitants* to take the oath of fealty and had divided them into three estates, as De Tracy himself had done in the West Indies. Thereupon Colbert wrote the celebrated letters ordering Frontenac to follow the example of the home government, where the Kings, he says, have for some time ceased to assemble the States-General, in order insensibly to put a stop to that ancient form. The syndic who presents requests in the name of all the *habitants* must cease to be appointed when the colony grows stronger, since it is well that each should speak for himself and that no one should speak for all.

The Council, which consisted of only seven members till in 1703

the number was raised to twelve, had no power to levy taxation ; and none was levied. The law of the land was now made uniform under the Custom of Paris, and the Custom of the French Vexin, which had been partially introduced, was abolished. Thus a form of Roman Law well adapted to a municipal community was extended to a nascent colony that was essentially rural. The forms of law had, however, the merit of uniformity, simplicity, and cheapness ; and care was taken in the organisation of a system of police for the three Canadian towns. The decrees issued by the Council cover matters large and small, from tithe, the size of the *seigneuries*, feudal dues, provision for the poor, down to rules of precedence, nuisances, and the cleaning of the streets. The *ordonnances* of the *intendant* direct the enclosing of *habitations*, and make building regulations and market-laws; while, as representative of the King in finance, he also regulates the coinage. The tendency was for legislation to pass more and more under his control and out of that of the governor.

The system on which lands were laid out by the French in Canada is of peculiar interest as throwing light on the method of procedure in earlier agricultural colonies. The great *seigneuries of* ten by twelve leagues were enfeoffed to the *roturiers* in strips measuring, as a rule, three *arpents* (each of 100 perches in width by 30 in depth), each strip running from a river frontage. The dwelling-houses were placed at the river end of the strips; and thus a row of farmsteads was formed, which even in the most scantily peopled regions allowed some indulgence to French social inclinations. Each strip was cultivated by a tenant and his family ; on his death, by the Custom of Paris, equal division (subject to certain exceptions) was the mode of succession. The strips were divided longitudinally, with results not a little injurious to agriculture. In 1745 it was ordered that every *habitant* must have $1\frac{1}{2}$ *arpents* of frontage. A strip even of this width was not convenient in form, since it made central supervision impossible and access to the remote portions of the holding difficult, while requiring a large amount of enclosure. Throughout the French occupation the methods of agriculture were most primitive. The cleared land was tilled until exhausted, when fresh land was cleared, the tilled land being left to lie fallow under weeds on which the tenant's few beasts pastured.

The method of land-tenure was ill adapted to the circumstances of Canada, where the initial difficulties of clearing forest land were immense. It excluded the possibility of a *métairie* system, which so greatly assists the young agricultural colony where capital is plentiful and labourers are not highly skilled ; and it excluded the freehold system which gives scope for the independent efforts of the individual. The "*franc alleu roturier*," which most nearly approached the English "free socage," was very sparingly admitted in Canada, more freely in the West Indies.

A heavy tax on the alienation of lands, in the case of the *seigneur* the payment of a fifth of the value of the estate, in the case of the tenant the payment of *lods et ventes*, though both were customarily lower in Canada than in France, was injurious to the development of uncultivated lands, and, as Adam Smith pointed out, robbed the colony of its prime source of prosperity, an abundance of cheap land. The liability of the tenants to promiscuous forced labour in the lord's service (after 1711 harvest time was excepted, and after 1716 the service was made commutable for 20 *sous* yearly per *arpent*), the inability of the *censitaire* to subinfeudate, the initial absence of obligation on the lord to infeudate, too late corrected, the rule which allowed only two-thirds of the fee to be infeudated, were injurious features.

But Canada was not troubled with absentee landlords; the relations of the *seigneurs* and the *roturiers* were singularly close and friendly; and the passionate military, national, and religious spirit that animated all alike, dignified the bond. The lord had, according to his grant, "*haute*," "*moyenne*," or "*basse*" justice over his tenants, until in 1714 it was ordered that no such grants of jurisdiction should be made. The large number of cases that came before the Council would seem to indicate that the liberty to erect gallows and pillory and to enforce jurisdiction over tenants was not generally exercised by the lords. It was to the advantage of the tenants in the early period that it was made incumbent on the lords to erect mills and to lay out roads, though the tenant's corn paid its *multure* of one-fourteenth of the grain ground, and the tenants had to make the roads themselves. The lord's supposed obligation of defence fell also of course on the tenants. Every man capable of bearing arms between the ages of 14 and 70 was bound to military service and drilled with a regularity unknown to the English colonial militia. The Canadian tenant was constantly engaged in active warfare, choosing the winter for his campaigns if possible, as summer warfare meant certain famine.

The seigneury in many cases formed a parish, and lord and priest worked as a rule harmoniously, except, it might be, on the question of precedence, which set the highest officials of Church and State constantly at issue. Many were the decrees of the Council upon this subject, and also regarding the amount of Church-tithe. Originally fixed at the ruinous proportion of one-thirteenth of all increase, it was lowered to one twenty-sixth of thrashed grain, with an exemption for five years on newly cleared ground. In 1667 Talon wrote that the clerical estate consisted of a bishop, nine priests, and many clerks gathered in the seminary at Quebec or sent out to missions in the country. There were thirty-five Jesuit Fathers whose work, he reports, is pious if not of commercial value: this last it might acquire in time. He foresaw the danger that the Jesuits might seek an excessive share of temporal power, and favoured the despatch of Sulpitian priests to counterbalance them.

The first Canadian bishop, Laval, desired to equip a disciplined body of clergy wholly subordinate to his authority. To maintain control he proposed that the appointment of *curés* should be in his own hands, and that tithe should be paid to and administered by him. The question of the removability of *curés* was decided against him in 1679, and a fixed salary from the tithe of each district was allotted to them.

But the burning question between Church and State was that of the wisdom of allowing the sale of spirits to Indians. The State officials, bent on commercial success, argued in favour of free sale that the Indians' desire for spirits must be satisfied by the French, or they would cease to come under French influence, and would pass under the influence of those who were less scrupulous. The Jesuits dwelt on the hideous results of the trade in degrading and destroying the native tribes. Bishop Laval, finding the officials against him, decided to use his spiritual authority and made the sale of drink to natives a religious offence to be punished by excommunication. Although in the absence of the support of the Crown the Bishop had to change his policy, his point was so far gained that the liquor trade with the Indians was made illicit, but the issue of numerous licences to traders greatly reduced the value of the prohibition.

Colbert's hope that a great Indian population would be converted and gradually gallicised met with no support from the Jesuits. He had looked for much intermarriage and believed that common schools for French and Indian children would be found successful. The Jesuits favoured for the Indians a system of perpetual tutelage, arguing that the Indian mind was incapable of development. They arranged permanent missions for "domiciled" Indians, but were powerless to secure that total exclusion of all outside influences which characterised the South American missions. In Colbert's correspondence with the *intendant* some watchfulness over the Jesuit power is recommended; but "to soften Jesuit severity the means must be gentle, imperceptible." His hope was that, as the population grew, the royal power would insensibly supercede the Jesuit.

But his desire to draw the colony into a closely united whole, occupying the valley of the St Lawrence, clearing grounds only in immediate proximity to the settled parts, met with no sympathy from the Jesuit missionaries, or from the adventurous explorers who sought to enrich the colony by discovering a convenient way to the South Seas, or at the least, an outlet westwards to the sea-coast. The period of most carefully encouraged settlement was also the period of the scientific pursuit of exploration, mainly by the Jesuits. By 1669 they had pushed their mission stations westward as far as Sault Ste Marie, the first station on the southern bank of the lakes or the river. This, with Michillimackinac, and the Mission St Ignace,

commanded the junction of the three Lakes, Superior, Michigan, and Huron. Discovery was then pushed down the Illinois to the Mississippi; and the knowledge of a great waterway to the Gulf of Mexico determined the lines of future Canadian policy. To command the western trade, and the eastern head of Lake Ontario, Frontenac built in 1673 Fort Cataraqui, afterwards Fort Frontenac (now Kingston).

From 1664 to 1683 the colony was nursed with the utmost care by Colbert. He directed the governor and the *intendant* alike to encourage the export of charcoal, tar, potash, to sow hemp and flax, to foster a trade with the French West Indies, and to encourage Canadian shipping, sedentary fisheries, mining, the breeding of cattle, and the clearing of forest land. His instinctive bent was industrial rather than agricultural; but he saw that Canada needed development in every direction. In 1679 the total number of *arpents* cleared was put at 21,900, the population at 9400. Of horses there were only 145, most of these having been sent by Colbert himself. The horned cattle numbered 6983, sheep only 719, goats 33, asses 12. The need for live-stock was so great that Colbert forbade the slaughtering of any domestic animals capable of breeding. The colony still possessed but one trade, that in furs. In 1667 Talon estimated the value of the exported furs at 550,000 *livres*. The colony continued in constant need of support from the Crown, and sums varying from 20,000 to 200,000 *livres* were sent annually to the *intendant*, according as the demands for European expenses were large or small.

In the West Indies Colbert ruled the Company of the West during the ten years of its existence with an equally firm hand, seeking from the first to secure a wide liberty of commerce for French subjects within its dominions. It was seen that the profits of the West Indies went for the most part to the filibusters and buccaneers. As members of the strange commonwealth which was established by these outlaws, the French showed themselves peculiarly skilful in the art of self-government and in the framing of codes. The buccaneers took up constitution-making — on a small scale, it is true, and merely in order that each pirate-group might secure a share in the booty for which life had been risked; but their work was not without influence on the more peacefully minded settlers. The cry for open trade, open to all Frenchmen, if not to all nations, was raised with persistency by each succeeding governor; and there are many indications that the French West Indians asked and took a freer lead in the defence of their own interests than the Canadian farmers. It is seen in the greater importance of the Council in Martinique, which in 1668 was made the seat of civil and military government, Guadaloupe becoming dependent on Martinique. The Council being framed on the pattern of the *Parlement*, it was intended that it should consist of professed lawyers; but, as these were not forth-

coming, the chief officers of the militia were chosen instead. At first much freedom was allowed in deciding the number of councillors called in to decide contentious matters; and not till 1674 was it reduced to ten. The separation of St Domingo from the central scheme of government shows the respectful treatment which it was thought advisable to adopt where the buccaneers were strong; and the whole tone of Colbert's letters and instructions to West Indian governors points to his having given careful consideration to the complaints of West Indian colonists. To satisfy them he compelled the Company to sell its merchandise to the *habitants* within a month of its arrival, and ordered that French vessels not belonging to the Company should be licensed to trade. Besides the danger of contraband trade, the fear of sedition was ever present. The negro slaves, the native Caribs, the Mulattoes, and the tameless buccaneers were elements of danger that required careful handling. The skill of such governors as d'Esnambuc and d'Ogeron, the founder of the French settlement in St Domingo, men who thoroughly understood the peculiar circumstances of the case, appealed strongly to Colbert, who with all his love of centralisation saw the need of independence of judgment and liberty of action for high officials on the spot. There was to be unity of government, but not necessarily uniformity. Thus he saw in the freebooters a source of strength for the tropical colony, while the Canadian trapper he would fain have suppressed. The tropical climate forbade the hope of the settlement of any very large white population in the islands; accordingly Jews and Protestants were allowed to enter here though they were excluded from Canada. In his correspondence with the governors he constantly urged a mild treatment of offenders; no one must ever be sent back to France for any crime except sedition. In the endeavour to people the islands with men and women, to stock them with domestic animals, and to develop a shipping interest, Colbert showed the same zeal as in Canada.

The fear lest the governors should defraud the Company required that a host of *intendants*, commissioners, receivers, etc., should be paid to watch their proceedings; and the large staff maintained by the Company robbed it of most of its profits. By 1674 its failure became obvious, for its debts were over three and a half million *livres*. Thereupon, besides paying an indemnity to the shareholders, the Crown took over their debts, and thus bought back the possessions of the great Company. From 1674 the colonial trade was thrown open to French subjects. In the same year the Dutch West India Company opened its trade to Dutch subjects. The danger of a general collapse of French colonial enterprise had been successfully tided over by the Company, and so far it had served its purpose. But the general opinion was that it had been ruining the islands, and great hopes for the future were now raised. The number of inhabitants was given as 45,000; the trade occupied 100 French ships of from 50 to 300 tons. The zeal of the

Crown in developing the islands was not without a direct reward in the form of taxation, parallel to the four and a half per cent. duty paid by Barbados. The French taxation took its rise in the sum paid to the Company by French merchants who bought the licence to trade, which amounted to six *livres* a ton on imports and five per cent. on exports. In 1669 the King obtained the monopoly of these licences; and under the name *Domaine d'Occident* the duty was levied, after 1671, at the rate of three per cent. There was further a poll-tax of one cwt. of sugar on every freeman and every slave, together with a tobacco duty of 20 *sous* a pound, a small duty on cotton, and, for a time, duties on indigo and cocoa that discouraged the planters. The regulation, decreed for the better control of the trade, that ships must return to the port from which they started, and the partial confinement of trade to the ports of Marseilles and Rouen, exercised a damaging effect. The regulation of the sugar trade had certain distinctive merits, inasmuch as the refining of sugar on the spot was early promoted, instead of being discouraged in the interest of the refiners at home, as in all the other colonies.

The fourth period of French colonial history extends from 1683 to 1713 — from the death of Colbert to the Treaty of Utrecht. In 1682 La Salle had sailed down the Mississippi. The support which he received in his attempt to found a colony at its mouth showed that Colbert's son, De Seignelay, was prepared to follow up his father's work, had not a period of reaction, which favoured continental rather than colonial expansion, set in to divert the current of Louis XIV's ideas. La Salle's scheme, as set forth by himself, was to obtain for France a second continental establishment which should make her "mistress of the whole continent," besides serving to harass Spain, and making possible an attack on the Mexican mines. "We should obtain there everything that has enriched New England and Virginia, timber, salted meat, tallow, corn, sugar, tobacco, honey, wax, resin, gums, pasturage, hemp," and such things as yearly freight two hundred vessels in New England. He observes that, if foreigners should anticipate the French in settling the Mississippi valley, New France would be completely hemmed in. He anticipates that the ease of living would here keep the settlers together, unlike the *habitants* of New France, who are obliged to seek their subsistence over a wide area. His talent for dealing with the natives had already established friendly relations with a vast range of tribes, and he urges that possession be taken in right of discovery and of the consent of the greater number of inhabitants. His well-considered memoir determined the government to give him the support he asked; and four ships were despatched with 280 colonists, male and female, and abundant stores — the first example of a French colony the whole expense of which was provided by the Crown. Unluckily La Salle's skill in the management of natives would seem to have been in part due to the very

qualities which made him an unsympathetic leader of French colonists, and unluckily, too, the prospect of successful raids on the Mexican mines served to divert his attention from the proper settlement of the colony. In 1687 La Salle was murdered by his own people, and the well-provided little colony was wholly lost. It served only to excite the watchfulness and cupidity of the more far-seeing of the English colonists. The proprietor of Carolina began to press his claims to the wider "Carolana," dating his claim from Charles I's patent of 1630; and in 1687 Dongan, the governor of New York, is found asking for a sloop to "discover La Salle's river," where, he notes, French possession will be an evil thing for both English and Spanish.

In 1698 the Louisiana scheme was again taken up by the French government under the influence of the Canadian brothers D'Iberville and Bienville, the sons of a Norman emigrant, who had led French arms and enterprise wherever an opening offered. In 1700 a fort was planted fifty miles up the river, and another at Biloxi, midway between the mouth and the nearest Spanish settlement eastward, Pensacola. The bulk of the population of some 200 settlers consisted of Canadian *coureurs;* and when some Huguenots made application to join the colony, Louis XIV's reply was that he had not chased the heretics from his kingdom in order to found a republic for them in America.

In 1708 the population was still not more than 280, with some 60 Canadian *coureurs;* but its immediate strategic and possible commercial value was so far realised that Louis provided the forts with small garrisons. The climate and the unfortunate choice of sites for the forts, which were driven to become more or less peripatetic, were a constant source of discouragement, and agriculture was neglected in the belief that the most probable source of wealth lay in mineral treasures. In the meanwhile the colonists were dependent on the Indians for food.

Four years later Louisiana was converted into a proprietary colony, a form that had so far been untried by France. Perhaps the success of some of the English proprietary colonies may have inclined the government to the experiment. Crozat, a member of the flourishing Company of St Domingo, obtained the exclusive commerce of the nascent colony for fifteen years, his rights extending from the sea-coast to the river Illinois. Beaver was excluded from his monopoly, in order that the Canadian trade might not be injured. The Custom of Paris was introduced, and the administration put in the hands of a council after the pattern of that in St Domingo. After nine years Crozat was to assume all the expenses of government, including military charges, but till then the King subscribed 50,000 *livres* towards the cost. Crozat agreed to send two ships annually, and hoped to refund himself out of mines, gold, silver and pearls, silk and indigo. The ideas which La Salle had put forward some thirty years before had as yet struck no root, and the Governor La Mothe Cadillac wholly despaired of the future of the colony. But the work of

Frontenac in Canada had already made it clear that the maintenance of a steady hold on the Mississippi would ultimately become part of a wide scheme of political expansion, through the settlement of French colonists, or at all events through French influence upon the natives.

The first period of Frontenac's government, 1672–82, had given him no opportunity of showing his real strength; for the vexatious struggle carried on between him and the *intendant*, whose rivalry he could not brook, had ended in the governor's recall. But when danger of the most serious kind threatened the colony, Frontenac's masterfulness and his extraordinary influence with the Indians pointed him out as the one man capable of facing the situation. The new danger arose once more from the power of the Iroquois. After the check inflicted by the Marquis de Tracy, Canada had ceased for a while to fear them. But under Frontenac's two successors in office, who failed to appreciate the necessity of caution, the rising began again. Fort Frontenac and Fort Niagara, the two main bulwarks of the colony against the Iroquois, were lost, and the total abandonment of the colony seemed imminent. But on Frontenac's restoration there was an immediate change. The keynote to his policy was struck when he insisted on taking back with him all the Iroquois prisoners who, by Louis' order, had been sent to labour on the galleys. In ten years' time, with little or no military help from France, he had secured not only a long peace from Indian disturbance, but had got the best of the struggle with the English for fisheries in Acadia and Newfoundland, and for peltries in Hudson's Bay; had raided, and kept in a constant state of alarm, the great colonies of New England and New York; had met and triumphed over an English invasion. Acadia, which had been restored to France by the Treaty of Breda (1667), was in 1682 almost devoid of organised government and passing gradually under English control. Supported by D'Iberville, and by the half-Indianised Baron de St Castein, formerly an officer in the regiment sent out against the Iroquois, Frontenac recovered Port Royal, which had been taken by Phipps; and made it possible for France in the discussions after the Treaty of Ryswick to claim the Kennebec river as a frontier-line for the Acadians, who numbered less than a thousand souls.

D'Iberville's work in Newfoundland was yet bolder, ending in the destruction of almost all the English settlements, and putting an end to the numerous English raids upon the French settlement at Placentia. His expedition, which excited great alarm in New England and even in Virginia, was, however, not followed up by active settlement or by the establishment of forts. It was D'Iberville again, who, by the injuries which he inflicted on the forts of the English Company, secured for the French a possession of Hudson's Bay which remained almost unbroken, until by the Treaty of Utrecht the Bay was ceded to England. Still more impressive was Frontenac's general scheme of attack on the English colonies. The Iroquois had been converted by him from most dangerous

enemies into cordial allies, whose friendship opened the way across the frontiers of New York. The English Revolution gave the opportunity for attack ; and Canada, with a population of some 12,000, prepared to pit herself not only against New York, with a mixed population of some 18,000, but also against New England, with a fairly united population seven or eight times as large as her own. That New York would fall was thought to be sufficiently within the range of possibilities to make it worth while to sketch a whole scheme of government for the conquered province, in which Protestants were not to be allowed to live. The raid was so far successful that Schenectady was destroyed (February, 1690), a feat which served to glorify the French in the eyes of the Indians.

Although schemes so bold as to include the thought of bombarding both Boston and New York served, as they were intended, to divert attention from the inherent weaknesses of the Canadian colony, the risk was very serious of exciting a community of feeling in the English colonies. The historian Charlevoix observes that it was not so well known in France as it was in Canada how important it was to destroy the English power in America : perhaps the difficulty of doing so was better understood in France than in Canada. But just as Frontenac was not supported by the French fleet, so Phipps' counter-attack on Quebec (October, 1690) was unsupported by England, absorbed in her own troubles. Yet ill-organised as it was, it came far nearer to completion than Frontenac's attack on New York. Had the latter been renewed in the next year it might have been wholly successful ; but the Peace of Ryswick put an end for a while to the contemplated hostilities. The death of the aged Frontenac followed in 1698 ; but his successors, satisfied with their peaceful relations with the Indians, adopted an equally bold tone in their correspondence with the home government when the European war reopened. D'Iberville alone wrote of the grave dangers involved in an attack on Boston. In 1709 De Vaudreuil, with 1500 picked men, resumed the offensive ; and the total collapse of the English naval expedition up the St Lawrence left the Canadians fairly satisfied that, small as their population was, their position was impregnable. In 1713 they numbered some 20,000, as opposed to the 158,000 settlers in New England, and the 218,750 in the other British colonies on the coast of America.

While the military effectiveness of Canada was well maintained, its commercial and agricultural development lagged far behind what might reasonably be expected of the small population. During the military disturbances of Frontenac's time land had gone out of cultivation, and the heavy government taxation of 25 per cent. on the country's one profitable trade, the fur-trade, had by 1712 driven it very largely into the hands of the English. In 1674, on the transfer of the colony from the Company of the West to the Crown, the Company's fur-trade

monopoly was made part of the *Domaine d'Occident* in the form of a tax of a quarter of the beaver-skins and a tenth of the moose. The Crown took also 10 per cent. on wine and brandy, and five *sous* on the pound of tobacco entering the colony; all else was free. The farm of the Crown's rights was let out for a composition to any *adjudicataire* who would take it. The colony ascribed its ruin to the farmers' system, and agreed to take over the farm for 70,000 *livres* a year. In a short time, however, the colony ran up a heavy debt, and the farm passed under the control of a company (1706–17). The 25 per cent. on beaver was a mistake of the most serious kind, for it robbed the colony of the very trade which it was most important to foster. The English, who had shown no aptitude for the trade, were encouraged to take it up; for the Indians, finding a better exchange there than in Canada, carried their furs to the English colonies. Ships that came to Canada laden with French goods sought to return cargo by going to the West Indies, taking in perhaps some coal at Cape Breton to be used in the sugar refineries of the islands. Nothing had been made even of the pitch and tar industry. The colonists engaged in a few of the roughest clothing industries, but on a scale so small as to escape the jealousy of the manufacturers of the mother-country. The Canadian Council vainly sought to secure the clearing of lands by ordering that those not actually occupied should be surrendered; and, to eliminate the difficulty of providing for live-stock during the long winter, the *habitants* were forbidden to have more than two horses and a mare. In 1711 the breeding of cattle and sheep was still a matter of such anxiety that live-stock was specially exempted from distraint. No fresh emigration of consequence augmented the population; but the natural increase was good.

A more rapid increase in white and black population went forward during this period in the West Indies; but the French islands still offered no promise of that startling development of prosperity which was to distinguish the next period. The revocation of the Edict of Nantes threatened for a time to have serious consequences in causing a general exodus of the heretical colonists, until the King directed that care should be taken to retain them. Signs of development are visible in the new regulations touching the amount of the *Domaine d'Occident*, which were directed to the relief of the colonists. In 1698 the French part of St Domingo, which had always been exempt from the *Domaine*, and, since D'Ogeron had elected to bring it under the control of the Crown, subject to certain other charges, was for the first time put into the hands of a company for fifty years. The Company of St Domingo was modelled on the old pattern, without material reform. In return for sending 1500 white settlers and 2500 black at once, with further yearly reinforcements of 100 whites and 200 blacks, the Company received the monopoly of trade. All the French islands suffered severely during the War of the Spanish Succession, but a season of peace was all that was needed to

allow their trade in sugar, tobacco, coffee, cocoa, and red dyes to reach great proportions.

Within four years of the Treaty of Utrecht, the whole of France had become convinced of the greatness of its immediate colonial future, and looked to the financier Law to play the part of Colbert on a still grander scale. The belief that the colonies required only capital to secure their progress made the principle of the grand Imperial Chartered Company appear as attractive as ever, in spite of the lessons of the past. The moment for a change of some sort was opportune, as Crozat's failure in Louisiana (1717) reopened the question of the best way of dealing with the Mississippi valley. The monopoly of the fur-trade in Canada and Acadia was also seeking a farmer. It was proposed to hand these over to a new Company of the West with what then seemed the vast capital of 100,000,000 *livres*. The purchase of shares by Law's Bank caused the requisite "boom," and the interest of speculators was directed to the discovery of colonial wealth in every imaginable form. All the existing companies, believing success assured if they joined Law's scheme, elected to co-operate; and the Company of the West, reinforced with the privileges of the French East India Company, became the Company of the Indies. For a time the new Company made sincere attempts at the development of Louisiana, which, as the least known colony, offered the wildest hopes to the fevered imagination of the speculator. Colonists, for the most part of the worst type, were poured into it; the foundations of New Orleans were laid; and vast grants of territory were allotted to a few individuals. But the usual troubles arose; the Company sought to make so high a profit on the merchandise which it imported, and fixed so low a tariff of prices for exports, that the sufferings of the colonists became at last matter of general knowledge, in spite of all attempts, by means of postal censorship, or by refusing colonists leave to return home, to keep the secret of the colony's situation. With the collapse of Law, Louisiana fell once more into the background; the very extravagance of the hopes that had been raised now made the difficulties in the way of successful colonisation seem all the more insuperable. The colony, which in 1721 numbered 5420, of whom only 600 were negroes, abruptly lost the greater part of its white population, while the slaves alone increased. The Natchez Indians began to show hostility so soon as the white population thinned, and the colonists were careless in their treatment of them; the missionaries, who had been instrumental in maintaining native alliances in Canada, were absent; and the numerical strength of the negro slaves offered opportunity for conspiracies between them and the natives. In 1731 the colony obtained a hard-won triumph over the Natchez, a number of whom were sent as slaves to St Domingo; but the victory cost the colony dear in more ways than one. In 1732 the Company yielded its chartered rights over Louisiana to the King for 1,450,000 *livres*, — more than they were

worth, in spite of the large sums that had been sunk in the colony. Under the Crown the colony was freed of all export and import duties, and under these conditions it made progress. It was characteristic of the French scheme that when Louisiana again came under the Crown it remained theoretically part of New France, the Council consisting of the Governor-General of New France, the Governor and Commissary (analogous to the *intendant*) of Louisiana, with the Mayor of New Orleans, the Attorney-general, and six Councillors.

The best hope for the colony, as Charlevoix, De la Gallissonière, and De Bougainville saw, was to develop the corn-growing lands of Detroit and Illinois, where La Mothe Cadillac had formed a hopeful settlement in 1702. The chief interest of the Louisiana scheme lay in the immense possibilities that opened before it if the whole Mississippi valley could be brought into a real connection with the Canadian Lakes. The vast and premature schemes of the Company furnished at least this one fertile idea. Raynal describes the bounds of Louisiana as, on the south, the sea, on the east, Florida and Carolina, on the west, New Mexico, on the north, Canada and unknown lands. The mean breadth he put at 200 leagues, the length he found it impossible to determine. But even in his time (1770) the ascent of the Mississippi occupied three and a half months; and the *voyageurs* were dependent on the Indian hunters for food. At the height of their development under the French, Upper and Lower Louisiana together numbered only 7000 inhabitants, not counting troops; and this population covered a range of 5000 leagues. Raynal mentions the exports sent to the West Indian islands, chiefly tallow, smoked meat, timber, and tar, and to France, indigo, hides, and peltry, valued at about two million *livres*. The public expenses were always abnormally great, the currency difficulty exceptionally oppressive; and the greedy officials who ruled the forts, with special privileges of trade with the Indians, enjoyed a monopoly more dangerous than that in Canada. The loss of Canada and the abandonment to Great Britain of claims east of the Mississippi determined the fate of Louisiana. The small value placed by the French government on the remnant who crossed to the other bank of the river was proved by the treaty in 1763 which ceded the western half of the colony to Spain. In 1800 the Secret Treaty of San Ildefonso restored Louisiana to France, much to the annoyance of the United States; but, in 1803, the imminence of war between France and Great Britain induced Napoleon to sell it to the American government for fifteen million dollars.

In Canada the rise and fall of Law's Company were scarcely felt. Unfortunately no hopes for any rapid development of that colony were raised in France, and the governors pressed in vain for the despatch of emigrants. The statements of the amount of Canadian trade vary greatly, but all agree that the expenses of government no longer ate up the whole of the profits. A small balance of about 250,000 *livres* found

its way to the French treasury. In peaceful and plentiful years the colony was able to export 80,000 *minots* of flour and biscuit. The settlements improved as the traveller went westward; below Quebec there was little cultivation. The steady movement westward to a warmer climate and more fertile cornlands was not supplied by French emigrants, as De la Gallissonière hoped it might be, but by the Canadians themselves. The number of hunters in the upper country, who could not be relied upon as part of the militia, had steadily increased to some 8000, and almost every colonist was more or less engaged in trading with the Indians. During the years of peace that followed the Treaty of Utrecht, a road was opened from Quebec to Montreal, and the fortifications of both towns were increased. For this purpose the first direct tax was levied by the authority of the Crown on the inhabitants of the two towns. Quebec numbered about 8000, and though the shores of the river were closely settled by farmers as far as Montreal, the town population of Quebec and Montreal tended to increase more quickly than that of the country.

The communication with France was annual only, and not half-yearly as Colbert had hoped to make it. Every October, when the French fleet sailed for home, the paper and card money of the colony was converted into bills of exchange payable in France. The power of creating paper money, which was put in the hands of the *intendant*, opened the way for the gravest malversations ; and after Bigot's peculations and the stoppage of payment of Canadian bills, a loss of some four million *livres* in circulation fell on the *habitants* (1759). The years that passed between the Treaty of Utrecht and the war of 1745, in spite of much sound legislation by the Council, saw few new industries develop. At Three Rivers some iron-working was begun by a solitary blacksmith, and the timber-trade, the whale-fishery, the salt-meat and wool trade were greatly neglected.

The hope of making Canada a *succursale* for ship-building, which Colbert had fostered, had been kept up by a royal dockyard at Quebec, where the King kept a constructor-in-chief. A memoir of 1758 states that the yard was then run down and about to be stopped on the ground that vessels built there cost more than in France, and that Canadian wood was unsuitable. There is evidence of grave mismanagement. Even the building of boats for fishing-stations and for the river-trade was neglected, and canoes were obtained from the English at cheaper rates.

The colony still maintained its pre-eminence as taking the lead in discovery. The journey of Gautier de la Verendrye (1746–49), who penetrated to Winnipeg, Manitoba, and the Saskatchewan, and, it is said, though on doubtful authority, to the Rocky Mountains, was an expedition after the old pattern in which Canadians had always distinguished themselves. The military development of the colony also had fallen but little behind in the long years of peace, although the disproportion in numbers between the Canadian militia and the British colonial militia

steadily increased. The French had two sources of hope — the disunion of the British colonies, and the chance of permanently limiting their power of geographical expansion. But the steady pressure of British traders across the mountains, up to the district south of Lake Erie, the creation of the Ohio Company by the Virginians, and the influence which the English were learning to obtain over the Indians, under the guidance of such men as Sir William Johnson, showed that this last hope was of the slenderest. De la Gallissonière's desperate effort to confine the English within the Alleghanies was too late and too ill-supported to do more than betray the French designs to the English colonists.

The interest of the Crown in the protection of Canada was seen mainly in the steps taken to guard the mouth of the St Lawrence, after the cession of Acadia and Newfoundland to England by the Treaty of Utrecht had endangered it. To replace these losses, the great fort of Louisbourg was built on Cape Breton Island at a cost of 30,000,000 *livres*. As the port here was never frozen, great hopes of its future were entertained; and it was believed that here was a centre from which Acadia might be recovered, the French Newfoundland fisheries protected, New England destroyed, and a great Canadian trade with the West Indies developed. But again the old difficulty of establishing any settled population stood in the way, and the isolated fort proved useless when the struggle came.

The British possession of Acadia, on the other hand, did not open up the path into Canada in the ready way that was anticipated. The strong national feeling of the French settlers, and their close alliance with the Abenaki Indians, who for generations had kept the frontiers of New England in alarm, involved the English in grave difficulties. The events which led up to the expatriation of the French taught the English lessons which proved of service when the government of Canada had to be settled.

The brilliant success of the French sugar islands in the eighteenth century forms a distinct episode in the history of French colonisation. Here, with less deliberate schemes, less guidance and government support, the great trade was developed which in Canada and Louisiana was only dreamed of. The accidents of fortune must always exert exceptional sway when the forces of nature are all-powerful. When storm, earthquake, and disease may annihilate the prosperity of an island in a brief space, the inclination to exploit its riches with the utmost possible speed is not to be held in check. Each of these islands in turn has enjoyed a golden period of longer or shorter duration, — a fact which makes it difficult to determine how far prosperity has, in any given case, been due to a good system of government. In the eighteenth century English writers praise the French system in unmeasured terms, seeing before their eyes the prosperity of "the pearl of the Antilles," St Domingo,

which was steadily eclipsing all the other islands, until in 1780 its trade amounted almost to that of all the rest of the West Indies put together. The change in the position of St Domingo began in 1724, when the failure of Law's Company drove a number of proprietors to return to the plantations which they had left in hopes of a life of successful stock-jobbing in Paris. The Spanish alliance now assisted, as much as Spanish hostility had hitherto hindered, the development of trade; and a policy of reduction or abolition of commercial restriction on the colonies began to be steadily pursued. The extraordinary facilities which the brilliant fertility of the island offered, when unhampered by a company claiming monopoly, exercised their effect at once; and France for a time threatened to drive the English out of the sugar and coffee trade. The prosperity of the island continued to grow by leaps and bounds until the great rebellion of 1792. In 1788 it was reckoned to absorb two-thirds of the whole foreign commerce of France. But in population the tendency was for the proportion of whites to negroes and mulattos to grow steadily less. The wealth of St Domingo encouraged traders to reserve the finest negroes for that market; hence the strength of the black people when the revolution came.

The phrase, "*nos seigneurs de St Domingue, nos messieurs de Martinique, nos bourgeois de Guadaloupe*," expressed the relative prosperity of the islands. Martinique continued to be the centre of government for the Windward Isles, but after St Domingo had secured a distinct government on the same pattern, the governor was no longer governor of the French American Islands, but of the Windward Isles only. The power which Martinique obtained, as the mart for all the French islands except St Domingo, raised its position above Guadaloupe for a time; but the loss of trade during the Seven Years' War, Jesuit speculations, and the development of Guadaloupe while in British hands (1759–63), ruined this supremacy. The rise of Guadaloupe under English care brought the question seriously to the front, whether it would not be more profitable to England to retain it in 1763 rather than Canada. For once, considerations touching security of dominion prevailed over the more immediate considerations of trade. At that time, indeed, the magnitude of the French West Indian trade was sufficiently alarming. Raynal and Justamond in 1776 put the total of French West Indian trade at about 100 million *livres*, as against a British total of only 66, the Dutch following next with 24, the Spanish with 10. But in a later edition (1783) Raynal and Justamond fix the trade of the French West Indies and Cayenne at 126 millions, as against a total of 93 millions from the British West Indies.

Although in wealth St Domingo surpassed other islands, its rapid commercial development had left it no time for growth in civilisation. Martinique and Guadaloupe both possessed a more firmly rooted society, addicted to amusements though possessed of some cultivation; but

the picture of society in English and French islands alike is dismal enough. "Every man hurries to grow rich in order to escape for ever from a place where men live without distinction, without honour, and without any form of excitement other than that of commercial interest." The numerous religious Orders introduced into the French islands an element that was lacking in the English. Although they engaged as actively in commercial pursuits as the most worldly adventurers, they did so with larger views. The work of a Du Tertre or a Labat found no parallel in the British islands. But it was West Indian commerce that led the Jesuits to their fall, involving with it the bankruptcy of Martinique for 2,400,000 *livres*. The failure of Choiseul's great scheme in Guiana, which was to have cancelled the loss of Canada, — a fiasco by which 12,000 people perished and nearly thirty million *livres* were wasted (1763), — showed that it was still possible to make immense mistakes. But the able administration of Malouet (about 1767–79) came opportunely to wipe out the new disgrace.

It has been necessary to devote space to some brief review of the historical epochs into which the western colonisation of France divides itself, in order to show that considerations of time and place must not be neglected, when generalisations on the character of French colonisation as a whole come under discussion. What is true of Canada may not be true of St Domingo; what is true of the missionary epoch may not be true of the mercantile. Yet certain broad features distinguish French colonisation, which are notably absent from the schemes of the English on the one hand and of the Spanish on the other. In nothing is this more apparent than in the relations of the French to the native tribes occupying the North American continent. It is generally agreed that in relation to the natives the French showed themselves at their best. The Baconian view, that there is a supreme and indissoluble consanguinity and society between men, was to the French American a natural law, so far as it described his feeling towards the Red Indians with whom he was constantly associated. It does not seem too much to say that where the average British colonist felt an instinctive abhorrence, the average French colonist felt an instinctive sympathy. The suggestion was made by the Swiss Bouquet and accepted by Sir Jeffery Amherst, that the Indians should be inoculated with smallpox by means of the blankets which they bought from the English, to hasten the extermination of that detestable race. We may well believe that such a suggestion would have shocked Frenchmen then as much as it shocks Englishmen now. The idea of anglicising the Indians was not entertained by the English; the French inclination was either to gallicise their neighbours, or be themselves indianised. Of no British governor could the story have been told that was related of Frontenac, how he went to meet the Indians, painted and attired as an Indian. The English half-

breeds appear to have been few as compared with the French, and those few were chiefly confined to the frontiers where children were kidnapped, and indianised in their early years. Whereas the French priests encouraged intermarriage, the British colonists discouraged it. At an early date the *coureurs*, among whom most of the Indian alliances took place, found no parallel in the British settlements; and though subsequently the "frontiersmen" approached their type, they never rivalled the *coureurs* in numbers or importance. In records of French travel it is common to find mention of the unexpected discovery of Frenchmen, living among the Indians, having abandoned civilisation and become wholly Indian. Again, in readiness to cope with the difficulties of native dialects, the French, trained in the linguistic system of the Jesuits, far surpassed the English; and in appreciation for the Indian forms of self-expression, which required imagination and love of hyperbole, they showed a readiness which the English learned only by slow degrees. The instinctive courtesy of the French was deeply appreciated by the Indians, who dearly liked to have full respect paid to their dignity; and it is noticeable that the scientific interest in native history and civilisation, attested by the number of books written by Frenchmen, Jesuits, and others, was late to enter the British mind.

The very smallness of the French population, and the value placed upon the fur-trade rather than on agriculture, helped to give the French an additional advantage. The English exterminated the Indians by sheer force of settlement, and by clearing their hunting-grounds deprived them of their livelihood. In 1754 the truth of the argument which Duquesne urged upon the Iroquois — "the French make forts and let you hunt under the walls, but the English drive all game away, for the forest falls as they advance" — was fully appreciated by the Indians. The French divided the country into "hunts" after the Indian pattern, and found it to their interest to pay some heed to the Indian hunting-rules which forbade the extermination of game at breeding-seasons. The English occupied and made ownership a reality. The Indians told Sir William Johnson that "they soon could not hunt a bear into the bole of a tree, but some Englishman would claim a right to it as being his tree." The French forts, on the other hand, planted in the thick of the forest, depended for their very subsistence on the Indian friendship. Many of the garrisons, unrelieved for six years, found their isolation alleviated only by friendly relations with the natives. While the French secured a real ascendancy in the Indian councils, by sharing their life and understanding their habits, the English hastened to assert an outward supremacy hateful to the independent ideas of native chiefs. Pownall comments on the skilful way in which the French chose out Indian *sachems* and gave them medals and emblems of authority which secured their support and the support of their subordinates. The unity of the French scheme gave France a special strength

in dealing with the natives; no two British colonies could agree upon the same course, and in the eighteenth century, the necessity of a single council capable of undertaking all Indian negotiations was seen to be pressing. On the other hand, the French failed to make the Indian and French military forces one. La Mothe Cadillac schemed to enlist the Indians in regiments and to give them posts as officers equal with the French: but it was argued against him that it was dangerous to introduce discipline, when the want of it was the chief source of Indian weakness. La Mothe Cadillac's own sincerity seems to have been doubted; if his plan had been developed by a great military organiser, French colonial history might have pursued a very different course.

On the other hand, the difference between the circumstances of the French and those of the Spaniards in the New World led to a marked diversity in their relations with the Indians. The northern Indians were not conquered until they were almost exterminated; and neither France nor Great Britain ever had under their rule a vast subject Indian population, yielding tribute and forced labour. The relations of the Spaniards with the Indians were just as intimate as those of the French, but, being based on governmental supremacy, were of a very different character. The Spanish government, after the barbarities of the first colonists had shown the necessity for interference, stepped in to protect the Indians by a whole code of regulations, the main object of which was to prevent the exploiting and extermination of the population on which the prosperity of Spain in the New World was seen to depend. These regulations, which exhibit the Spanish system in its best aspect, have no parallel in the early colonial schemes of any other nation. The scheme of protection, humane and tender as in many points it was, involved, on the other hand, perpetual tutelage for the protected, and was in no way educative. The small and widely scattered population of French settlers was not in a position to attempt a protective system. They were compelled by the circumstances of the case to treat the Indians as equals, and this was plainly shown in the abortive attempt of the Jesuits to protect the Indians from the dangers of the liquor trade.

The English attitude towards the Indians varied with time and place. From the time of Ralegh and Hakluyt the practical wisdom of humane and sympathetic treatment had been inculcated by the enlightened; but the colonists, whose interests came much into conflict with those of the natives, early displayed a different inclination. The Virginian resolution never to end the wars with the Indians, and the open rejoicing at the outbreak of hostilites, "because the way of conquering them is much more easy than the way of civilising them by fair means; besides that, a conquest may be of many and at once, whereas civility is particular and slow," expressed the feelings of the less sheltered colonists. Another school found a way to reconcile the expulsion of the natives with the principles

of justice by obtaining Indian signatures to English charters, which ceded Indian territory with all the English conveyancing formulæ, and gave the Englishman a record which, meaningless as it was to the Indian, adequately protected the new possessor against rival British claims. The conciliating work of the Quakers had at last considerable influence on English feeling, and in the eighteenth century it was less rare to find the French view prevailing among Englishmen, although up to the last it would appear that the French were more skilful than the English in obtaining Indian alliances. Both parties, it would appear, were equally unscrupulous in allowing the barbarities of Indian warfare to have free play. Neither French nor British governors scrupled to put a price on the scalps of the enemy. On the whole, however, the Indian warfare of the eighteenth century was less barbarous than that of the seventeenth, and Parkman ascribes the change in the main to French influence on the Indians.

The missionary work of the French is equally dissimilar from that of the English. The English have no such records as the Jesuit *Relations*, for they undertook their work in a wholly different fashion. The strength of the French missions lay in the enormous range that they covered, the strength of the English in the more careful working of the ground that was broken. The French missionaries were geographical explorers, the English were teachers. The English translated the Bible into a single Indian dialect, a work which could appeal only to the Indians who knew that dialect and had been taught to read English print, but the French collected the grammars and vocabularies of a number of tribes; they preached to the natives in their own tongue, whereas the English employed interpreters, and insisted that the teaching of English must precede the teaching of Christianity. The Spaniards, on the other hand, by their governmental supremacy, succeeded in displacing the dialects, and made one native language understood in South America. While many of the Jesuits lived wholly with the Indians, and slept and fed in their tents, even such a man as Eliot could not bring himself to accept their habits; and when he went to preach, his wife sent his food with him. The Jesuits were satisfied with what the English deemed slight tokens of success, for they counted baptism as tantamount to conversion; the English, and particularly the Puritan preachers, confounded the minds of their converts with an excess of doctrine, seeking vainly for Indian words to represent the ideas embodied in the words adoption, election, and justification. Both French and English followed the Spanish example in domiciling the converted families in mission villages. The Récollet Le Clercq, writing, in 1691, complains that, though the Indians attend the services regularly, they are without the spirit of religion. "We can only," he says, "withdraw a few picked families from the woods and group them in villages, and even after years of such domicile they will run back to the forest." Such

mission-stations had to be continually repeopled with fresh converts, as the confined life steadily enfeebled the race. The English constantly dwelt on the necessity that the Indians must be civilised "as well as, if not in order to, their being christianised"; and the rules for civility among the English domiciled Indians were absurd enough. Women wearing their hair loose or cut like a man's were to be find 5*s*., for exposing their breasts 5*s*., men with long locks 5*s*.; and howling and greasing the body were prohibited. At first, both English and French were hopeful of educating the natives. The Jesuits brought Huron boys and girls to Quebec, and the English founded Colleges for their instruction. In New England Indians were admitted to the ministry, and in 1675 one took his B.A. degree. There is evidence that the French missionaries showed marked intellectual superiority over the English missionaries of a later period; but both English and French wearied at last of their efforts — the English the more rapidly, as they were dependent on voluntary subscription. In Canada the missions were supported in part by the Crown; but here, too, the work slackened in the eighteenth century. The uniformity of religious doctrine and the wealth of ceremonial naturally had a greater effect on the Indian mind than the teaching of the many jarring sects of the English colonies. The religious fervour of the French colonists and the good parochial organisation in the thinly peopled districts were marked by the Indians, who constantly charged the English colonists with irreligion. In 1701 the reply of the Abenakis to the English order to dismiss the Jesuit missionaries was, "You are too late in undertaking to instruct us in prayer after all the many years we have been known to you. The Frenchman was wiser than you; as soon as we knew him he taught us how to pray to God properly, and now we pray better than you."

The same distinctions made themselves felt in the treatment of the negroes of the French and British sugar-islands, though in slighter measure, inasmuch as similar commercial considerations affected both nations. It is admitted on all hands that the *Code Noir*, a "monument of inhumanity" as it must now appear, was humane compared with the laws of most of the British colonies, which, however, varied greatly from place to place and from time to time. The Catholic holidays allowed the slaves of the Catholic States a greater measure of repose than was allowed in any Protestant colony. It was a primary article in the *Code Noir* that all slaves should be baptized; the English, it was often said, feared lest baptism should be deemed tantamount to manumission. The Code required further that instruction in the Catholic, Apostolic, and Roman religion should be given; and the religious Orders for the most part attempted to supply it. The Code inflicted heavy penalties on masters who used their slaves as concubines; marriage between free women and slave men was not forbidden, and the offspring inherited freedom. The law stipulated that proper food and clothing should be provided, with nursing in time of sickness. Torture and mutilation were prohibited,

and flogging with rods and cords was to be the severest form of chastisement. In 1686 the testimony of the slave was made good in cases where white witnesses were wanting, but not against the master. In the English Barbados there was in 1688 no fine for punishing the slave in life or limb, and only a penalty of £15 for wanton, cruel killing; the absence of provision for taking slave evidence in many British colonies made the protective clauses of the law nugatory. In the French colonies the ecclesiastical power was often exercised in the defence of slaves, and such writers as Labat, who had practical experience and literary power, made known in France how cruelly the slaves were treated. Their wretched life, he says, gives a bad opinion of our religion; all agree that there is nothing in the world more fearful than the existence they lead. He describes the French Catholics as no whit better than the English and Dutch heretics, and instances the insatiable avarice and horrible harshness of some *habitants*. The opinion prevails that the Spaniards made on the whole the best masters of slaves, as being less commercially minded, more inclined to sympathise with indolence, more lenient on the colour question, and more successful in making permanent homes in tropical countries where the English and French lived but temporarily. The Mulatto population in the French colonies generally bore a larger proportion to the white than in the British. In the French Antilles the presence of a large number of priests, of various and rival orders, insured the permanent existence of an element of civilisation. In the British islands the dearth of priests and churches, and the incompleteness of the whole parochial organisation, was matter of common remark.

Although in the West Indies the French provided better for education than the English, in Canada the complaints of inadequate provision were very general. The Jesuits were there singularly unsuccessful in establishing the schools with large classes characteristic of their method, and the attempts to provide for higher education were more active in the early than in the later years of the colony. The chief source of failure was the absence of students, for the scanty population was wholly absorbed in the struggle for existence. The literary and scientific workers were for the most part not Canadians, but Frenchmen who came to the country for a time, and returned home to write of what they had seen. It was early noticed that the women were better educated than the men, and possessed in consequence great social influence.

The fact that not a single newspaper or book was printed in the French colonies before the middle of the eighteenth century is perhaps the most startling and impressive in the whole history of French colonisation. From early times the Spanish colonies, under the licence of the Council of the Indies, had presses, which issued large and important works of travel and history. Kalm, writing of Canada in 1748–49, says that the one press which had existed had closed. "All the orders made

in the country are written, which extends even to the paper currency." It is said that printing was not introduced lest it should be the means of propagating libels against the government and religion; but the true reason, in Kalm's opinion, was the poverty of the country. No printer could sell enough books to live. He suggests also the further reason that the French at home desired to have the profits of the export of books. In St Domingo a royal printing-house was established in 1750; and the rapid increase of population in the other islands soon led to the creation of presses elsewhere.

The absence of the printing-press would seem to be the one feature which points to marked backwardness in the social state of the French colonies. Nearly all the contemporary descriptions of Canadian society dwell on the favourable aspects. Charlevoix's penetrating analysis and comparison of the condition of the British and French colonies brings out many points of interest. The British colonists, he says, are opulent, with the appearance of not profiting by their wealth, while the Canadians conceal their poverty under an air of comfort. The Canadian enjoys all he has and often makes a show of having more than he has. The British colonist strives for his heir. The Canadian is content if he leaves his sons no worse off than he was at the beginning of life. The British Americans will not have war, for they have too much to lose; the French Canadian detests peace. There is evidence that the humbler Canadians, suffering no burden of *taille*, having cheap bread, meat, and fish, were fairly well off for necessaries; and it is repeatedly noticed that the humblest class of *habitant* would resent being classed with the French peasantry. Intendant Hocquart writes, in 1737, that they have not the coarse and rustic appearance of French peasants; the industrial arts not being restricted by trade organisations, and mechanics being scarce, each man is his own manufacturer and mechanic, and thus the idle hours of the long winter are employed. The gentry suffered more than the poor from the high price of the luxuries to which they were accustomed; and, as there was, according to Charlevoix, a larger *noblesse* in Canada than in all the other colonies put together, the colony lost reputation accordingly. Charlevoix ascribes the distressed state of the gentry to their folly in considering agriculture a degrading employment.

Although class distinctions, questions of precedence and of etiquette enjoyed fully as much prominence in the colonial Canadian as in the French mind, on all hands the creole's love of liberty and independence of spirit were noticed and ascribed to the comparative equality of fortunes. But the government failed to appreciate the meaning of these things, or to see why "emigrants should ever expect an enlargement of their native rights in a wilderness country." A report to the French government contrasts the colonies as follows: "The policy of the people of New England being to labour at the thorough cultivation of

their farms and to push on their settlements little by little, when it comes to a question of removing to a distance they will not do so, because the expense will fall upon themselves. . . . The settlers of New France are of a different mind. They always want to push on without troubling themselves about the settlement of the interior, because they earn more and are more independent when they are further away." In the main portion of the colony, the social tyranny, to escape from which is often the emigrant's first desire, was fully as oppressive as in the mother-country. Indeed, the Church in Canada ruled society with a severity only paralleled by that of the New England Puritans; it sought to restrict men's pleasures and enforced, at least in La Hontan's prejudiced view, "a perpetual Lent."

Energy and enterprise rather than patience were characteristic of the early French colonist in Canada, if the opinion of Le Clercq, writing in 1691, may be trusted; they want to reap, he says, as soon as they have sown. Had agriculture been made a definite and primary object, Upper Canada, Detroit, Illinois, and the Ohio valley must have been opened with successful results; failing that impulse, the drift westward towards a more favourable soil and climate was necessarily very slow. It is curious to observe, too, how markedly the French failed as breeders of stock, a business in which the Spaniards succeeded when necessity drove them to take it up. Having at first deliberately set aside the agricultural intention as unworthy and unnecessary when other forms of profit were accessible, the Spaniards ultimately made excellent use of the fertile *hattes* and savannahs, and developed a business which they were well suited by disposition to undertake. But the French lacked zeal in an employment the results of which are slower even than those of tillage. Thus, for example, in St Domingo, while the French colony imported large supplies of meat and was sometimes in danger of famine, the Spanish in the larger half of the island engaged in a salt-meat trade. The French backwardness would seem to have been partly due to certain unfortunate restrictions, for instance on slaughter-houses.

The commercial regulations of the British and French colonies, though directed by like principles, worked out very differently in practice. The populous condition of New England and its confined geographical position quickly brought the question of the mother-country's control of manufactures to the front. With the single exception of clayed sugars the French colonial produce never competed with home manufactures in a manner sufficiently threatening to raise professional alarm. The fact that the colonial sugar-refiners were for the most part liberally treated may, however, serve as an indication that, had a conflict of home and colonial interests arisen, the French government was more willing than the British to allow indulgence to the colonies. England, guided by the exigencies of the moment, swayed by each manifestation of mercantile hostility, and without continuous colonial policy, was

guilty of what Burke calls "a chain of petty, interested mismanagement," to which France felt no temptation.

The French colonies were apt, on the other hand, to be treated too much as hothouse plants, when a hardier culture might have suited them better. The British colonies, like thistles planted by the hand of nature, seemed to grow apace out of sheer wilfulness. England took interest in the sugar colonies only, because they were not competitors with her in the field of manufactures; but here her success was by no means continuous, and the example from which she expected to learn most was the example of France. To many minds the only conclusive argument in favour of colonial expansion was that the French King believed in colonies, and undoubtedly knew his own interest better than England knew hers.

The French colonies, however, would seem to have received less support from the individual capitalist than those of England, and less support from the French at home than from the colonials themselves. The one large and regular French shareholder was the government. The British government was as a rule chary of risking anything till the eighteenth century, when Georgia and Acadia were made notable exceptions to the rule. The French colonies, of which very few were proprietary, show no such great sacrifices on the part of individuals as were made by the English proprietors.

The colonial currency question was one which troubled both peoples alike and was dealt with in an equally unsatisfactory way by both. The French King tried to meet the difficulty by sending small quantities of bullion, but the supplies were wholly inadequate. The early Spanish colonies were free at least from the dislocation of trade caused by the want of coin, to which both French and English were continually subject.

The contrast between the comparative absence of commercial restraint in the French colonies and the subjection to it of the English is balanced by that other contrast between the governmental institutions of the two countries which, obvious as it is, yet always needs accentuation as the most fundamental cause directing the issue of events. Representative institutions were banished from the colonial empire of the Old Régime, and with them every governmental idea which the English cherished in their colonies, tropical and temperate. No attempt whatever was made to resist the action of the monarch in this respect. The French colonists believed that their welfare was dependent on the sovereign's will, for they saw that if with one hand he took from them certain profitable issues, he returned fully as much with the other. The sense of commercial oppression from which the colonists of New England suffered was not paralleled, apparently, by any sense of governmental oppression on the part of the Canadians. They suffered no disabilities which were not suffered by their countrymen at home. The colonists took pride in the

sense of central unity which their form of government brought home to them, and perceived in it a source of strength against the disunited British colonies, some of which were known to be also disaffected. The French colonies were constituent parts of the empire, and no single colony was permitted to detach itself from its neighbour. Louisiana and Acadia were parts of New France, and the islands were attached to Martinique as a centre.

The French had a further advantage in the union of the Marine and Colonial Offices at home, which forced into recognition the dependence of the colonies upon the protection of the navy, contrasting in this respect favourably with the British Board of Trade and Plantations. A *Conseil de Commerce* was added to the *Conseil de Marine*, at the beginning of Louis XV's reign, consisting of deputies from some of the chief French towns — an administrative department much admired by Burke. But it does not appear that its influence was by any means so great as he had been led to suppose.

The bureaucratic system enforced by the Minister of Marine required the colonial officials to keep constantly in correspondence with him, and it is from their memoirs, censuses, and reports, that the history of the colonies may be built up in extraordinary detail. But there are indications of weakness in the spirit of subserviency which marks the colonial reports; and it is clear that the colonial leaders suggested urgent reforms only in a timid, hesitating manner. A further indication of weakness is to be found in the government's persistent repetition of courses of action that had already failed. That at times indecision and ignorance prevailed in high quarters is clear from several cases in which an official was recalled, only to return again soon afterwards as obviously the right man for the post.

That the system of dual authority — that of a military governor and an *intendant* of police, justice, and finance, with functions not clearly delimited — should have worked well with few exceptions, can only be ascribed to the strong spirit of loyalty and sincere co-operation which was zealously inculcated. The cases of friction, though salient enough, are comparatively few in number. This dual system may fairly be described as a French constitutional invention; it is the only constitutional experiment of any sort tried by the French in their colonies, whereas the experiments tried by the English were most diverse. The very small salaries of the highest officials contrast unfavourably with those of the English; the poverty of the French governors exposed them to great temptations; and, although the government repeatedly forbade them to engage in trade lest this should influence their judgments, they were driven to more or less clandestine methods of raising an income. Fortunately their tenure of office was not ultimately fixed at the short term of three years, which was tried at first, after the example of the Spanish colonies. Materials for the history of the French

colonies exist in such profusion and, as regards Canada at least, have been studied in such full detail, that the character and actions of the French officials may be fully known; yet matter for a scandalous history is for the most part absent. The number of great and world-remembered names that stand out in the list of French colonial governors is strikingly large. Whereas the British colonies repeatedly failed signally in their military undertakings for want of leadership, the Canadian governors were not only generals by profession but leaders of men in a more than military sense. Unhappily France could not spare a De la Gallissonière to the New World for more than a brief space; but the fact that he should have been even for a time a Governor of Canada shows that France was willing to give of her best.

In no respect was there greater divergence in the governmental systems of the British and French colonies than in the matter of taxation. While the British colonists as a rule taxed themselves heavily, both directly by poll-taxes, and indirectly by customs, and in nearly all cases bore the whole expense of government, the French were not suffered to tax themselves. The King kept taxation as the most carefully guarded sovereign right; the Crown bore the expense of government and paid all salaries; the colonies contributed direct to the Crown through the *Domaine d' Occident*. The rate levied by the Crown on Quebec and Montreal for their fortifications is a solitary example of a direct tax levied in Canada to defray local expenses. In the sugar islands, in this respect as in others, there was a somewhat stronger tendency to self-government. In 1713, when it was found that the indigo duty did not cover the expense of governing St Domingo, the Minister of Marine wrote to the Governor and Commissary of St Domingo ordering that a meeting of *habitants* should be summoned to negotiate the provision of an *octroi* that would cover governmental expenses. Again, in 1714, a general assembly of *habitants* and merchants was held in Martinique, convoked by parishes, in which the *habitants* offered to bear the whole expense of the colony's maintenance if the King would release the island from the rights of the farmers-general. But these instances are isolated, and serve only to indicate that a change in the system of government could not be very much longer delayed.

No nation perceived so early and so fully as the French the importance of geographical position in political and military strategy. The magnitude of French designs is best witnessed by the names "*La Nouvelle France*," "*La France Septentrionale*" (the Great Lakes and the St Lawrence), "*La France Méridionale*" (Louisiana), "*La France Equinoxiale*" (Guiana and the Antilles), not to speak of "*La France Orientale.*" During the rise of the French colonial empire the French were pre-eminent in geographical discovery and cartography. The nature of the fur-trade, and the character of the missionaries early dispersed the French wanderers into the heart of the continent. Once

the wilderness had been penetrated, it became obvious immediately that the possession of the waterways gave mastery in a land then deemed incapable of land-carriage. To Burke the French colonies were "the most powerful, their nature considered, of any in America"; for in the Great Lakes lay the throne, the centre of vast dominion, by their alliance with the waters of the St Lawrence and the waters of the Mississippi. If, says Governor Pownall, we give attention to the nature of this country and the one united command and dominion which the waters hold throughout it, we shall not be surprised to find the French (though so few in number) in possession of a power which commands this country. The French work proceeded far more rapidly on the Mississippi than on the St Lawrence, for climate and soil offered no hindrance, and the unbounded range of Indian trade allowed scope for those qualities in which the French colonist proved himself strongest. But to establish dominion something more is needed than a full recognition of the possibilities of the future. No steady stream of trade poured down from Canada to Louisiana or *vice versa*. The entire neglect of the portage between Lake Erie and the Ohio, in favour of the distant communication by Green Bay and Wisconsin, proves that there was no trade seeking a route. That the appreciation of the importance of the Ohio came late, serves to show the unreality of the whole scheme of dominion. Similarly, in Guiana the French found themselves shut out from the waterways of the Amazon and Orinoco through delay in planting a populous and enduring colony. Whereas to Burke it appeared sheer madness on the part of the English to have allowed the French to shut them in from behind the Alleghanies, to Oldmixon it was possible to speak lightly of French "dreams of colonies and commerce in the moon." Whereas alarmists saw the French work already accomplished, others foresaw that it would take a hundred years to make the French scheme a reality. With Canada, Louisiana, and half St Domingo under one power, and Spain in alliance, it was thought that Jamaica and Cuba would next be absorbed, and that the English would be driven from the New World. The very dispersal of the scanty French population seemed to magnify their strength, for, like the Iroquois, they could give trouble out of all proportion to their numbers.

There appears to be no reason to doubt that the French and British peoples proved equally prolific on the American continent. With both it was natural increase, and not a continuous stream of emigrants, that mainly raised the population. But in the race for numerical increase the handicapped competitor is sure to fall further and further behind; and from the outset France was handicapped. With no Huguenot exodus to parallel the twenty years' Puritan exodus, the French colonies depended for their origin on a mere handful of men and women, despatched many of them against their will and kept in the colonies by compulsion. All the French colonies were dependent on the *engagés;* not all the

British were dependent on the influx of "indented servants." There was "seducing" and "spiriting away," kidnapping and crimping for the colonies in England, but on no such scale as the legalised despatch of three *engagés* for every 60 tons of shipping, six for 100, and so on in proportion.

The absolute government of France does not show itself in all respects at its worst in the colonies. Absolute power lodged in the wise hands of a Colbert, even of a Seignelay or a Pontchartrain, gave scope for ideas undreamed of in England. In Burke's opinion "obedience to a wise government serves the French colonists for personal wisdom"; and the dangers involved in such exchange were not at first obvious. Absolute power had faith in the future, passed over questions of profit and loss, silenced or ignored the old grumble that the colonies did not enrich France. Policy, not commerce, dictated the retention of the St Lawrence, the Lakes, and the Mississippi; they were strategic posts in the defence of a military empire. While Spain cared for her colonies as an all-important source of wealth, and her colonies depended upon her as their protection; while England hindered hers where she feared commercial rivalry, and at the same time secured an oceanic power surpassing that of France and Spain combined; France grasped the idea that colonies are an expansion of the empire, at least in its military sense. The seventeenth-century hope of a possible colonial neutrality was very soon finally laid aside. French colonial history is so coloured by the artistic and dramatic sense of its creators that the facts seem to lose their true relative importance. In the minds of the French, distance, severance such as we now can hardly realise, poverty, the scantiness of the population, the internal dissensions, all counted for nothing. There were elements of disunion in the jealousies of Montreal and Quebec, of Church and State, of the small and the large planters, of the dependent islands and Martinique, of French officials and the Creole population, of French and colonial soldiers, of the trappers and the settled colonists; but these prosy realities seemed trifles that would fade away and be forgotten in the beautiful vision of a world-wide and united empire.

New France, while it gave promise of gigantic empire, was to the government a part of France, and could therefore risk its fate in the international contest, regardless of the fear of pressing the divided British colonies into union, regardless of European diversions, of the want of oceanic defence. But that this sense of unity was rather sentimental than substantial, became manifest when the moment of loss arrived. The loss of Acadia, Canada, Louisiana, was no dismemberment of the French empire; such losses merely marked certain stages in a wider contest. Yet it is the clear, if premature, perception of one aspect of the modern colonial idea that serves to glorify for all time the story of the French in America.

ACADIA, CAPE BRETON, AND THE ÎLE DE SAINT JEAN

The French settlement on the Bay of Fundy has been briefly referred to, in so far as it displays certain main characters in French colonial policy; but for many reasons the story of Acadia and the two adjacent islands calls for separate treatment. French maritime colonies in the neighbourhood of New England were called upon to play a part politically that was even more disproportionate to their material development than the part played by French Canada. The hapless Acadia was the shuttlecock to French and English battledores. Thrice in the wars of the seventeenth century it fell to England; thrice it was restored by treaty to France. It stands apart from the other French colonies, inasmuch as it was scarcely touched, for good or ill, by the commercial companies. Unlike the French Canadians, the Acadian colonists laid no disproportionate stress on military organisation, but, on the contrary, repeatedly allowed themselves to fall a prey to English raids for want of sufficient armament. But though time after time the little posts were ruined, the fields laid waste, the cattle destroyed, there seemed to be an indestructible vitality in this, the least carefully fostered of all the French colonies. As compared with Canada, Acadia received little or no help from the home government. Its officials, too often men who had failed in Canada, produced the censuses and "memoirs" that were required of them; and the colony flourished rather in spite than because of their efforts, which were mainly directed to their own enrichment. The widely scattered population, settled in hamlets of some twenty persons each, found a congenial climate and soil, and, in their dependence on their own initiative, resembled rather an English colony in its early stages than a colony of New France. With few exceptions the 2500 Acadians of 1714 were the descendants of forty families sent out between 1633 and 1638, and of some sixty colonists sent in 1671. The 2500 French of 1714 increased nearly six-fold in the next forty years of English government.

The first era of attempted French settlement (1605–32) bequeathed to its successor (1632–70) nothing but an inheritance of disputed claims, which the fertility of the La Tour family, representing the first grantee, passed on from generation to generation. Argall's raid (1613), and Sir William Alexander's ill-supported attempt (1621) to found a "Nova Scotia" that should be to Scotland as New France and New England to their parent stems, did not make things easier for Razilly, sent as governor to make a fresh start when Acadia had been restored to France by the Treaty of Saint Germain-en-Laye (1632). The story of the relations of the governor, and his deputy D'Aulnay, with Nicholas Denys, one of the grantees and the historian of the colony in this

period, and with the La Tours, father and son, whose interests Alexander had divided, dramatic as it is in all the details that Denys has left us, cannot be told here; it need be noticed only because it was the disputes of these rival gentlemen-adventurers that gave the colony a bad beginning, and led to that want of concentration which was throughout a main source of its weakness.

Now, as in the next period, the governors could not decide whether to fix their centre at the sheltered Port Royal, or on one of the rivers which might be made a means of communication with Quebec, or on the Atlantic shore of the peninsula, which offered most advantage for the fishery. The Rochellais, whom Razilly and D'Aulnay brought with them, found at Port Royal conditions of which they had had experience at home; and by dyking the marsh-lands a promising agricultural settlement was made. But Port Royal was no centre. From Pentagouet on the Penobscot, by river and portages, it seemed possible to establish a connexion with Quebec; and accordingly Pentagouet looked the more promising to those who had ambitious schemes. The drawback was that it was nearer to New England, and certain to be an object of attack. La Hève, which offered advantages rather like those of the present capital of Nova Scotia, could be made a convenient port for sea-communication with Quebec, whilst the river was free of ice. All these were tried in turn, now and later.

Had any one of these ports been strongly defended, the colony would not have fallen again to the English in 1654, when Sidgwick took Port Royal for the Protector. Between 1654 and 1667, the story of the period 1613–32 was repeated, Sir Thomas Temple playing the part of Sir William Alexander, and the Treaty of Breda (1667) that of the Treaty of Saint Germain-en-Laye. France having recovered Acadia, there seemed hope that Colbert might promote settlement here as he had in Canada. But a renewed effort on the Penobscot was checked by the Dutch; and the creation of a way to Quebec, by what was known as the *chemin de Kennebec*, could not proceed. So far as this western district came under French influence at all, it was left to the indianised Baron St Castein, who had married the daughter of an Abenaki chief in 1680. Through him, and later through his son, the French in Acadia were assured of Indian friendship. In 1685 the *intendant* of Canada was sent to study the needs of the colony. At that time the population numbered only 885, of whom 600 were at or near Port Royal. The *intendant* advised more military protection; and the ease with which Port Royal was destroyed in every filibustering raid, and its speedy fall before Phipps in 1690, proved the wisdom of his view.

At the third restoration of Acadia to France, by the Peace of Ryswick (1697), the choice of a capital again lay open. The new governor, Villebon, a capable military commander, decided on a sight on the most eastward of the great rivers that might form a frontier, the

St John, furthest from New England, and, facing Port Royal, the most suitable for the defence of the Bay of Fundy. Unfortunately a special commissioner, sent from France, decreed its abandonment. In 1704 Port Royal, once more a fairly prosperous colony, was again cruelly wasted by the English. Again it was built up, and in 1710, with about eight hundred inhabitants, could make a brave defence against Nicholson, and only surrendered with the honours of war, on a promise that the inhabitants should be transported to France.

In 1707 the census gave to the whole of Acadia a population of 1838, with some 7500 head of live-stock. By the Treaty of Utrecht, 1713, all "Nova Scotia, formerly called Acadia, with its ancient boundaries, together with the city of Port Royal," was ceded to England. What the ancient boundaries were nobody knew; but of course the French now wished Acadia to mean a small tract, not a large, while the English had equal reason to make a *volte-face* in the opposite direction. The English commissioners of 1755 assumed that the right bank of the St Lawrence was their northern boundary — certainly an extravagant claim; and the French, with as little show of reason, said that the treaty ceded only a part of the peninsula now called Nova Scotia and none of the mainland. But as La Gallissonière had succeeded in planting French forts on the neck of the peninsula, it seemed possible that they might by force make their claim good, for the Acadian population was purely French till 1749; and the strong French colonies in Cape Breton and the Île de Saint Jean offered plenty of support.

The two large islands off the coasts of Acadia, originally called Cape Breton and Île de Saint Jean (now Prince Edward Island), naturally formed part of the Acadian dominion. Cape Breton is severed from the mainland only by a narrow gut, and the Île de Saint Jean lies along the shores of the neck of land which attaches Nova Scotia to New Brunswick. Both were important centres for the fishery, but neither had offered much attraction to colonists so long as there was space in lands of milder climate and happier conditions.

At the outset, here as elsewhere, it was the old story of rival pretensions based on flimsy pretexts, and of the ultimate success of the most patient competitor. At the time of Sir William Alexander's grant, which included Cape Breton, it had seemed possible that the Scotch might make a lasting settlement, for in 1629 Lord Ochiltree built a fort on the island. But a Frenchman destroyed it and built another, to be deserted in its turn. When in 1632 the way lay open for France, Nicholas Denys, into whose hands this part of the Acadian dominion fell, did no more than establish trading-posts and quarrel with rival adventurers. No permanent settlement was made until by the Treaty of Utrecht this island, with its neighbour Saint Jean, acquired a wholly new importance, as the only sea-board from Florida to Hudson's

Bay that was definitely acknowledged to belong to France. At once the whole energy of the French government was concentrated on the development of these islands. Cape Breton was rechristened Île Royale, by way of marking its new destiny; and all the French settlers from Newfoundland were transferred to its shores, and put under their old Newfoundland governor. In the two islands homes were offered to any Acadians who chose to come; but the English were loth to lose the French colonists and their property, and, in the early years after the Treaty of Utrecht, placed difficulties in the way of such emigration, a fact that made the deportation of 1755 the less justifiable. The fortification of Louisbourg began in 1720, after Vauban's plan. The population in the neighbourhood of the fort was over 2000, the garrison itself 1000; but the population of the rest of the island amounted to little more than another thousand. The constitution was of the Canadian pattern, with the same elements of strength and weakness. The export of fish, oil, and coal was good; and the colony could boast a fine military road, a hospital, and a nuns' school for girls. But the concentration of the inhabitants round Louisbourg, where the soil was poor, hindered tillage, so that the island depended on its neighbour Saint Jean for food.

As the government of Cape Breton was subordinate to Canada, so Saint Jean was subordinate to Cape Breton. In Saint Jean there had been fishing-ports in the seventeenth century, but no agriculture till 1713. In 1735 the population was only 542; but in the next twenty years the numbers increased rapidly, and at the time of the expulsion of the Acadians there was another great rise. When Saint Jean passed with Cape Breton to England by the Treaty of Paris (1763), both lost their population, which had been kept up by artificial causes; and its place was but slowly filled up with Scotch settlers.

The late development of New Brunswick, Novia Scotia, Cape Breton, and Prince Edward Island in English hands, under perfectly peaceful conditions, is the best testimony to the merit of the French efforts made at a remoter time under conditions of chronic warfare. The vitality of Port Royal, rising ever, phœnix-like, from its ashes; the solidarity of the little Acadian people, who after forty years of English rule had to be deported, only to make their way back to their old homes again; the creative power repeatedly shown in making something out of the least promising material — these things set Acadia apart as deserving a special place in the history of French colonisation. But here, as elsewhere, the main source of strength was the successful manipulation of the Indians. By their skill in this particular the French multiplied their forces many times over. It was this that made the impenetrable backwoods which cut off Acadia from Canada, and to a less degree from New England, seem to be really French, and which gave an apparent justification to the claims of the French commissioners of 1755.

CHAPTER IV

THE CONQUEST OF CANADA

THE four years' war between England and France, which closed in 1748 with the Treaty of Aix-la-Chapelle, was waged by both nations with little reference to their possessions in North America. The small French settlement of Louisiana, founded at the close of the seventeenth century for the better control of the Mississippi, was not yet in touch with the English colonists of Georgia and the Carolinas, and there had been no possibility of friction. Great as was its significance in view of those vast ambitions of France that were the immediate cause of the events with which this chapter deals, its occupants were too few and too remotely situated to take any part in the struggle. Planted at the mouth of the Mississippi, they were little more than a futile reminder of the splendid opportunities which the moment held for France — opportunities practically stultified by the policy which revoked the Edict of Nantes. French Huguenots had been already pouring by thousands into the Carolinas. Their overtures for land and liberty of worship under French rule had been spurned by the officials of the weak and somewhat stagnant colony at the mouth of the great river. The King, they were curtly told, had not turned them out of France in order to build up French Protestant republics in America. So the French Huguenots mingled their blood and energy with the successful foes of France, and ultimately became a source of strength to an English-speaking republic. The contesting forces which at this epoch were to settle the destinies of North America were numerically insignificant; and it is possible that ten thousand sturdy Huguenot settlers sent up the Mississippi at this moment might have changed the history of the world.

But along the ill-defined and sparsely settled borders of Canada, where they fronted New York, the New England colonies, and the Crown province of Nova Scotia or Acadia, there was continual friction and bloodshed, which formal declarations of war did little more than aggravate. Neither in the days prior to the European war of 1744–8 nor during it was there any operation worthy of notice in this district except the siege and capture of Louisbourg. For the rest it is sufficiently

described by the French term *la petite guerre*, a restricted method of warfare which the French Canadians when left to themselves rarely exceeded. This mainly consisted of raids across the frontier, not only for purposes of plunder, but quite as much for intimidating the too venturesome and intrusive English settler; and no lasting results accrued from it other than the loss and suffering of individuals.

Another factor too, which, till the nations seriously engaged each other during the Seven Years' War, kept hostilities within limits, was that great Indian tribal league known as the Five Nations, who occupied the region on the south of the Canadian border and at the back of the English colonies. They were by far the most powerful Indian combination, and may be fairly said to have held the balance of power between the European rivals. They favoured the English with tolerable consistency, but their friendship was of a cautious and passive kind and would have stood no great strain. It was, moreover, being continually tested by the overtures of the French.

In *la petite guerre* the French Canadians had a distinct advantage. From their own more thickly settled frontiers they could descend in sufficient force on the isolated settlements of New England or New York to achieve their object, whereas the banks of the St Lawrence could hardly be attacked except by a large and organised force. Half a century earlier, it is true, in Frontenac's time, Quebec had been seriously though unsuccessfully attacked by a large New England force. But military organisation was difficult at all times for the British colonists, while mere punitive and doubtful raids on Canada would not have seemed worth the special effort needed. In Acadia there was no British population whatever before the founding of Halifax in 1749. The officials, supported by a slender garrison, had not only to control the French inhabitants, but to watch vigilantly and, when necessary, to resist the jealous enterprise of the French soldiers on the borders of the province that they had lost and hoped to win back.

The capture of Louisbourg in 1745, early in the first war, relieved Nova Scotia from very real and pressing danger, and, as we have said, was the only enterprise during this first and shorter period of strife between the two nations that calls for notice here or that had any effect on the fortunes of America.

This was, indeed, the most brilliant military exploit ever performed by a British colony prior to the Revolutionary War, and was the work of New England alone, and mainly of the single colony of Massachusetts. The plan was conceived by Shirley, the governor of the colony, and readily adopted by its legislature. The preparations were carried forward with despatch and all possible secrecy. The British government was solicited to order Admiral Warren with four warships from the West Indian station to the support of the expedition, and readily complied. On March 24, 1745, a fleet of New England ships carrying four thousand

men, more than three-fourths of whom were furnished by Massachusetts alone, sailed out of Boston. They were well supplied with artillery and stores, and the force was commanded by a colonial soldier, William Pepperell. Arriving at Canso in Nova Scotia they awaited Admiral Warren, who shortly joined them with his squadron and proceeded to cruise off the coast and keep it clear of enemies.

On April 30th the New England fleet was in front of Louisbourg, a town strong in its natural situation, and fortified with the care and skill that its high importance required. Some twenty-five hundred militia and regulars, together with the able-bodied men of a population of about similar strength, manned its walls and outlying batteries. The besiegers encountered a most difficult task in landing upon the surf-beaten, rocky coast. Everything had to be carried ashore on the men's backs, and it was a full fortnight before the New Englanders were ready to open their siege operations. Even then unsuspected difficulties were encountered, the chief of these being the marshy nature of the ground, which made the moving and mounting of guns, under the fire of the town, a most arduous proceeding. The energy and spirit, however, of the besiegers triumphed over all obstacles, including their own lack of discipline, which was not unnaturally conspicuous. Outlying batteries were silenced or carried one by one, sallies were repelled, and the town was reduced by degrees to a heap of ruins. The powder ran short on both sides, but, when that of the New Englanders had been replenished, the town at length surrendered after a five weeks' siege, and both garrison and inhabitants, to the number of over four thousand souls, were deported to France. The bugbear of all the sea-going and coast-dwelling folk of the northern and middle colonies was thus removed and the still graver danger to Nova Scotia averted, while the military prestige of New England received an impetus the effects of which were considerable and enduring.

The news of the fall of Louisbourg reached England when good news was sorely needed — for the battle of Fontenoy had recently been lost, and Charles Edward had just landed in Scotland. It was greeted in London with loud acclamations, cannon-firing, bell-ringing, and bonfires. The achievement stands by itself as the only considerable warlike enterprise undertaken and carried through by the American colonists without the instigation, help, or leadership of the mother-country, other than such assistance as Warren's ships rendered in keeping the coast clear. Shirley, the organiser of the expedition, and Pepperell, its commander, were rewarded with baronetcies ; and the cost was ultimately repaid by England. The value set upon Louisbourg by the French was sufficiently shown at the peace three years later, by the concessions they made in other continents for the sake of retaining it, while the chagrin felt at its restoration by the Americans and those concerned with America was not less marked.

So far the struggle between England and France had not been seriously felt in America; but the ink was scarcely dry upon the Treaty of Aix-la-Chapelle when the French rulers of Canada commenced a policy which forbade all hope of a lasting peace. The French representative at this juncture was De la Gallissonière, who was afterwards conspicuous as the opponent at Minorca of the ill-fated Byng. To him belongs the credit of those aggressions in the American *hinterland* which ultimately stirred England and her colonists to military endeavours on a scale hitherto undreamt of, and resulted in the eventual loss to France of her transatlantic empire. That the issue of so momentous a struggle, strange though it now seems, was for some time in doubt, should also be remembered to the further credit of the able Frenchman who conceived, his contemporaries who supported, his successors who continued, so daring a policy. At first sight, from our modern point of view, such a contest would seem a hopelessly unequal one. A few words to correct so natural an impression are, indeed, almost necessary, before proceeding to the struggle itself. When it is noted that the French in North America then numbered less than 80,000, while the British colonies contained a million white inhabitants, exclusively of negro slaves, this might seem to confirm rather than modify the impression in question. But here for military purposes the superiority of the English ended. All other advantages were with the French, and some of these were very great. Though Canada was numerically so feeble, consisting almost wholly of the settlements on the St Lawrence between and near Quebec and Montreal, its government was an absolute one. The King exercised an unquestioned rule in lay matters, and the Church in clerical. Canada's vast fur-trade was the main object of its existence in the eyes of its owners, and the agricultural settlers were chiefly valued as growing food for those engaged in it or as furnishing soldiers for the protection of its interests. The mission of the English colonist was to make a home for himself where he and perchance his children after him might live and die. Upon these sound lines the Anglo-American social and legal fabric rested. The statesmen who governed Canada from their high-perched palace on the rock of Quebec, had far wider, if less stable, aims than the practically self-governing English farmer or planter. The *habitants*, who under feudal tenure gathered in their limited harvests by the St Lawrence, were not undervalued; indeed their comparative paucity was a matter for constant regret, but they were regarded as mere useful adjuncts to the fur-trade, that great source of profit to the King and still more to his agents. In this not the King only and his immediate servants were interested, but every man of position and education in the colony. The territorial appetite and ambition of the fur-traders were insatiable; and their aims were the more formidable to civilised rivals, since, unlike the more limited aggressions of the

slow-moving farmer, they did not directly menace the native with extermination. For the extension and support of such a system the Canadian peasantry, ignorant, superstitious, hardy, well treated, after the fashion of children, were admirable instruments. Every man was by law a soldier of the backwoods type, and, moreover, was prepared to rally to the national cause with unquestioning obedience and without expectation of pay, and to march with equal readiness against either Indian or English heretic.

How utterly opposite in these respects were the English colonies scarcely needs demonstration. It is, however, hardly possible to insist too strongly on the absence of homogeneity that distinguished them. Their subsequent union has in a great measure caused us to forget how sharp were the lines which divided one from the other, before the policy of France drove them into those crude attempts at combination which the folly of an English government afterwards perfected.

The New England provinces formed somewhat of an exception to this state of things. Similar in origin and in type and habits of thought, they fraternised more readily than the rest, and for defensive purposes had often been forced into a military co-operation. In them alone at this time was to be found military capacity or anything approaching to a warlike spirit. The rest of the colonies, succeeding one another on the Atlantic coast as it trended southwards to the newest settlement of Georgia, were but so many detached units, with little mutual intercourse. Distances were great, population thin, means of transit primitive. They had all grown up on separate stocks, worked out their own individual destinies on varying lines, and, as a matter of fact, regarded each other with no little jealousy, while such outside intercourse as opportunity or inclination provided was mainly in the direction of the mother-country. This is not the place to take note of their contrasts, social and political. It will be sufficient to say that, unlike the men whom France sent to govern Canada, the Colonial officials, in accordance with the existing English system of patronage, were, as a rule, persons of inferior capacity, and, though small blame attaches to them on this account, lived in perennial disagreement with the provincial legislatures.

Speaking broadly, the Anglo-Saxon race in America at this time was confined between the Alleghanies and the sea. This was ample space for all present needs. To the average colonist it seemed, no doubt, not unnaturally, ample for all time. Happily there were minds of a more prescient turn among them, while the fact that there were French statesmen who clearly foresaw the pressure of Anglo-Saxon civilisation upon the West has been sufficiently demonstrated. Behind the Alleghanies lay that vast and fertile region which drained into the Ohio and thence into the Mississippi. It was a better country, as a whole, than that already occupied by the British colonists. This, however, was then a matter of no significance. It was as yet a far-away

Indian-haunted wilderness, known only to a few hundred traders, hunters, and *voyageurs* of both British and French nationality.

The British provinces vaguely claimed everything that lay to the westward within their respective parallels. The French, on the strength of La Salle's early discoveries, claimed with equal vagueness the entire basin of the Mississippi, whose head-waters extended to Lake Erie. In other words, the English denied the right of the French to cross the Canadian lakes, while the French, on their part, desired to confine the English to the strip of country which they then occupied between the Alleghanies and the sea. But the French were preparing to put their theories into practice, and to secure the whole fur-trade of Western America. De la Gallissonière hoped to plant French settlements in the Ohio valley as they had been planted in Canada. He intended that forts should be built and garrisoned, and that a firm alliance should be made with the Indian tribes on the strength of their instinctive dread of the English cultivator. Thus Canada and Louisiana would be linked together by a chain of forts and a combination of military force that would certainly intimidate any land hunters or traders from the Atlantic colonies, at any rate till emigration from France should give substance to the settlements and add strength to the barrier which was designed to shut out the Anglo-Saxon from the West. Nor was it territorial greed only that prompted this ambitious scheme. It was felt that if the growing power of England in America remained unchecked it would so stimulate her prosperity as to make her a menace to France in every part of the world.

In 1749 De la Gallissonière made the first move in the game by sending his notable expedition of two hundred persons under De Céleron into the heart of the Ohio wilderness. Here at certain spots they buried leaden plates on which the French monarch's claim to the country was inscribed. At others they nailed shields bearing the arms of France upon the trees. Much rhetoric was expended on Indian audiences with the object of convincing them that Louis XV, not George II, was their father. British traders found in the Indian settlements were summarily expelled and letters written to the British authorities professing surprise that British subjects should be found poaching on French territory. The French were beyond a doubt less distasteful to the Indians than their rivals. They had more natural genius for winning the affection of the natives, and had no desire to settle their lands to the detriment of the game. On the other hand the French traders could not compete with the English in the matter of good wares and low prices — a very serious consideration and another urgent reason for checking if possible the British advance. De la Jonquière and Duquesne, who succeeded De la Gallissonière in the government of Canada, continued his policy. The harassed English traders went eastward with their grievances, while the communication of the formal and reiterated claims of the Canadian

governors to those of Pennsylvania and Virginia showed that the backwoodsmen were no self-interested alarmists.

The temper of the colonies chiefly concerned remained, however, wholly apathetic to a danger they scarcely realised. The question was beyond the limited vision of the average colonist, the scene of these forward movements too remote, the movements themselves were too insignificant. Having regard to the self-absorbed isolation that distinguished the nature of his life for the most part, one can hardly be surprised at his apathy. He could not easily divine what by the light of history seems to us now so clear, that the momentous question whether France or England was to dominate North America was on the eve of settlement. Happily there were some far-sighted men upon the spot who rose superior to colonial indifference, and thus while divining the future supported their views with energetic action. Conspicuous among these was Dinwiddie, deputy governor of Virginia. In 1753 he despatched George Washington, then a capable, promising youth of twenty-two, to warn off the French in their turn as interlopers. With the co-operation of some of his fellow-governors he followed up this futile formality by a strong appeal to the English ministry to have regard to the gravity of the situation. The answer was a permission to repel force by force, but it was accompanied by no promise of assistance. A small sum, however, was wrung from the reluctant and half-sceptical legislators of Virginia, and a handful of provincial troops was sent to construct a fort at the forks of the Ohio river — a spot soon to become one of famous and ensanguined memory and now buried among the roaring furnaces of Pittsburg. This was but a challenge. The French, pouring southward in small bodies through the shaggy forests that clothed this whole country, soon succeeded in driving these rustic sappers back. In the following summer the English retaliated with a provincial force of some four hundred men led by Washington. A brisk skirmish of vanguards, in which the French were captured and their leader killed, made a stir throughout North America and caused much talk in Europe. Soon afterwards Washington and his rough levies, after fighting behind entrenchments for the whole of a rainy July day against overwhelming numbers, surrendered on favourable terms at the Great Meadows and were permitted to return to Virginia.

This was in 1754. The two nations were nominally still at peace and were to maintain for some time the curious fiction. The voice of Dinwiddie, however, and the rifle-practice of the French at the Great Meadows had not fallen on deaf ears in England, and preparations were made for more serious movements. Meanwhile it will be well to say a few words about an American province of England that lay, physically and politically, outside the old colonial group, but which was to play no insignificant part in the coming war. Nova Scotia, then more often called Acadia, thrusting its rugged coast line far out into the Atlantic between Canada and the New England colonies, was of vastly more importance than its

territorial value and its thin population would suggest. Upon that northern fragment of the province known as Cape Breton Island, the embattled town and great fortress of Louisbourg, restored to France in 1748, frowned over the misty seas. In the ample harbour, beneath its formidable batteries of big cannon, navies could ride securely at anchor, and from such a base could effectually dominate these northern waters.

For forty years the Acadians, made famous by Longfellow's pathetic but sadly misleading hexameters, had been British subjects. They had been governed with a leniency so remarkable as to be the despair of the Canadian authorities, lay and clerical, whose interest it was for many urgent reasons to spread discontent among them. The oath of allegiance, indispensable to the good government of alien subjects, had been most tenderly administered. Their religion and their priesthood received full recognition, their lands remained untaxed. The *habitants* themselves, simple, ignorant, and superstitious, were incapable of sacrificing their lands and possessions for any abstract ideas of loyalty to a distant and shadowy monarch. All they asked was to be left unmolested in their village life and peaceful agriculture. But this placid acquiescence did not suit their old masters the French, who hoped some day to recover the province by their assistance, and in the meantime to make its possession as troublesome and as little valuable as possible to the English. To this end the Acadian priesthood, who were under the control of the Bishop of Quebec, were utilised as agents. Their mission was to preach discontent with English rule and denounce acquiescence in it as a sin against Heaven. Thirty years, however, of practical experience of King George's rule had been almost too much for the ceaseless thunders of the Church, when the short war of 1744 broke out which witnessed the capture of Louisbourg by Pepperell and Warren.

This event rekindled some faint sparks of the old feeling and redoubled the incendiary efforts of the Canadian government. These were intensified when the French, having received Louisbourg back in 1748 commenced to make it more formidable than ever, and thus compelled Great Britain to reply by founding to the south of it the town and naval station of Halifax. For now not merely was British officialism, represented by two or three isolated forts, planted in Acadia, but the British axe was sounding in the forests of the eastern sea-board, and the advance of British civilisation threatened the supremacy of the French Acadian. The origin of Halifax differed from that of all other British American settlements. It was purely the work of the government, who landed there in one year nearly 3000 immigrants, of whom the men were mostly soldiers thrown out of occupation by the peace. Cornwallis, uncle of the ill-fated general of Yorktown memory, was governor, an admittedly just and kindly man. He had a difficult task before him. The energies of the Canadian government, the French officials at Louisbourg and their willing tools the priests, now exerted themselves to the utmost to make

rebels and malcontents of the simple Acadian peasantry. The most merciless exponent of this heartless policy was a certain Abbé la Loutre, of whose performances even Frenchmen of his day wrote with horror and his employers with apologies that they themselves needed. The only weapons at their disposal were fear and superstition. A fresh oath of allegiance was for good reasons now required by Cornwallis; and few Acadian settlers, of their own accord, could have hesitated for a moment to repeat a form which had brought them such tangible material blessings. But they were given no choice: acquiescence in heretic rule was represented as a deadly sin against God. Those for whom this argument was not strong enough were threatened with a more visible terror, for the forests were full of Indians, many of them so-called Christians, and all under the influence of the French. To a peasantry so primitive in their faith and so superstitious, the threat of eternal damnation was generally convincing. To the more sceptical the immediate loss of their scalp was a worse alternative than the threat of expatriation so often uttered by the long-suffering British governors.

Crushed between these upper and nether millstones, great numbers of Acadians had fled in despair to the woods and had adopted a life of outlawry. Many left the country and their possessions, beginning life again in French territory. These courses were equally convenient to the French authorities, who showed no spark of feeling for their miserable compatriots. British settlers round Halifax were killed and scalped. The lives of the soldiers of the outlying garrisons were unsafe a mile from their forts. The history of Acadia from 1749 to 1755 is a woeful story. The cruel and masterful tactics of La Loutre and his abettors were contemptuously disguised. The British officials spared no efforts to recall the harassed and panic-stricken Acadian peasantry to their former happy condition, but their attempts were vain. A great struggle was at hand, and a population of professed malcontents, whatever the true reason of their attitude, was more than the ethics of the eighteenth century could be expected to tolerate. An ultimatum was accordingly issued. Its date was more than once deferred in the hopes of reason mastering terror; but finally it seemed to both colonial and British officials, men notable for their qualities of head and heart, that there was no alternative but deportation. Everybody knows the sentimental side of the story of Evangeline, few the causes that compelled it. Some 8000 Acadians of all ages and both sexes were forcibly embarked and distributed, with all the regard for family ties possible in the circumstances, among the Atlantic colonies. It was a lamentable eviction, and the ultimate lot of its victims was anything but happy. It is a poor consolation to know that those who found their way to Quebec met with less consideration and kindness than those who were cast upon the charity of the Puritans of New England and the Anglicans of the South. This memorable incident, which resulted in Nova Scotia

becoming mainly British in blood as well as in allegiance, occurred in September, 1755.

A few weeks earlier an event of much greater significance had taken place to the southward. The urgent warnings of certain colonial governors to the English ministry in the previous year, coupled with the noise of these backward skirmishes, had not fallen on deaf ears. Parliament voted money for the defence of the colonies; and in the spring of 1755 the 44th and 48th regiments sailed from Cork for Virginia. They were each 500 strong, to be increased to 700 by enlistment in America. They went into camp at Alexandria, a place upon the Potomac river immediately opposite to the present city of Washington. The object of their attack was a stronghold named Fort Duquesne, constructed by the French on the Ohio on the site of one taken from the British, as noted above. The leader of the British force was General Braddock. He was a middle-aged man and an approved soldier of the type of the Duke of Cumberland his master. His faults were those of his period and have been emphasised and exaggerated by writers of both history and fiction, while his courage and honesty, though undisputed, have received less notice. He is said to have been given to violent language, to have been lacking in consideration for colonial susceptibilities, to have underrated both provincial troops and Indians, and to have been over-confident in a style of war with which he was unfamiliar. Of many of these charges and others unworthy of mention Braddock may be in whole or part acquitted. He had been led to expect active assistance from the colonies of Virginia and Pennsylvania, whose interests were chiefly threatened by the French agencies; but, with the exception of 500 irregular troops to be paid by the Crown, he received none. Means of transport for his army through nearly 200 miles of forest wilderness and over rugged mountains were utterly lacking till Benjamin Franklin, of his own initiative, by threats and entreaties obtained the requisite number of waggons from the Pennsylvanian farmers. Much enthusiasm was exhibited at the presence of the redoubtable British infantry in America, but little practical help was given by the legislatures, and Braddock was sorely tried. Washington, however, who had formerly commanded the Virginian levies and was now the General's aide-de-camp, was of great service.

The expedition started early in June from Fort Cumberland on the Potomac, some seventy miles above Alexandria, whence it was 122 miles to Fort Duquesne. The difficulties of this march through the primeval forests and over the high ridges and rugged defiles of the Alleghanies must be left to the imagination, since there is no space here for detail. The force consisted of about 1400 regulars and 600 provincials. Of the promised Indians, through no fault of the General, there were practically none. The French garrison at Fort Duquesne was believed to be strong, while the woods swarmed with Indians in the French interest. When about half the march had been accomplished with the utmost difficulty, Braddock

decided to push on with 1400 of the best troops. The catastrophe which overwhelmed this advancing force within nine miles of the French fort is one of the most dramatic tragedies in our military annals: 600 Indians and 200 French and Canadians awaited the British at a spot well adapted to forest warfare, and virtually destroyed an army nearly twice their strength, of better discipline and equal courage. The story has been often told. The enemy, lurking behind trees and bushy ridges, themselves invisible, poured in a fire so rapid and so deadly that the redcoats, massed together, fell in heaps. For a time discipline to some extent prevailed, and crashing volleys were fired in futile fashion into the woods whence came the pitiless leaden hail. But when the slaughter increased and no enemy could be seen, confusion seized upon the troops, who, huddled together in small knots, fired wildly in all directions, killing more of their comrades than of their enemy.

Officers showed the noblest devotion, vainly endeavouring to lead parties of their men against the hidden foe, but invariably falling in the very act, picked off by the marksman's bullet. Braddock performed prodigies of valour and had five horses killed under him. Washington in like fashion was twice unhorsed and his coat riddled with balls. After two hours of slaughter and confusion, a general panic set in, and the survivors fled back along the road they had so laboriously made and traversed, not halting till they reached Dunbar's camp sixty miles away. Braddock was shot in the lungs, and being borne along with the fugitives was buried four days later under forest leaves. Out of 1460 of all ranks who went into action 863 were killed or wounded. Out of 87 officers only 26 came off unscathed. Yet there was no serious attempt at pursuit. This catastrophe caused a painful shock in England and spread consternation in the colonies. Its immediate effect was enormously to increase, among the Indians, the prestige that the French by their activity had already been acquiring, and to hurl on the defenceless frontiers of the middle and southern colonies a horde of savages, thirsting for scalps and eager for blood.

Two expeditions of less import were undertaken this year in the North. War had not yet been formally declared between France and England; but, when Braddock's corps was despatched from Cork, France answered the challenge by sending 3000 soldiers to Canada. Now Shirley, the governor of Massachusetts, was a man of energy and ability, and profoundly convinced of the urgency of the French question. He had brought 6000 provincials, mostly New Englanders, into the field. They were commanded by Johnson, an Irish gentleman of large possessions on the Indian frontier and of great influence with the friendly Indians of the Five Nations. The object was to operate from Albany and oppose the French forces which were massing on Lake Champlain, and which threatened to seize and hold the water-connexion flanking the New England colonies and leading direct from Canada to New York. The

Marquis de Vaudreuil was now governor of Canada. He had 5000 regular troops at his command, besides the large and invaluable Canadian militia and countless Indians. Baron Dieskau, an able soldier, was in command of the troops on Lake Champlain. Those who sweepingly attribute Braddock's defeat to his professional spirit and European troops will find food for reflexion in the fact that a large force of provincials was ambushed by Dieskau's Canadians and Indians on Lake George this same summer, with precisely the same results. The provincials, however, being undisciplined, ran away quicker and were, moreover, only three miles from their entrenchments, so that the slaughter was infinitely less. Dieskau, following up his success, was repulsed by Johnson and his troops in an attack on their encampment with considerable loss, and was himself badly wounded and taken prisoner. After a summer yielding no tangible results, the French and English forces faced each other through the winter of 1755–6 from the opposite ends of Lake George, the former at Ticonderoga, the latter at Forts Edward and William Henry.

Shirley, like some other capable administrators, had an ambition to shine as a soldier; so he personally took command of the third expedition which Braddock, Dinwiddie, himself, and others of less eminence had projected for the year 1756. Its object was the capture of Niagara, where a strong fort protected the western fur-trade of Canada. Shirley's base of operations was Oswego, the only British outpost on the northern lakes and a thorn in the side of Canada. But his intentions were discovered from letters captured in Baddock's baggage; and when he reached this solitary British station on the southern shores of Lake Ontario, he found Fort Frontenac (the present Kingston) on the Canadian side reinforced in such strength that he dared not leave Oswego exposed to its attack. So, leaving 700 men, raw levies for the most part, to strengthen the defences, he retired to his administrative duties, which were of more importance to America than his military adventures. Washington in the meantime had been placed in command of 1500 provincials and ordered to protect the frontier.

The boundary-line was now pushed back along its whole length, and the labours of a generation were destroyed, with all the horrible accompaniments of savage warfare. Hundreds of persons, including women and children, were butchered. The French not only incited the Indians, but often led them. Panic seized even the oldest settlements and the eastern cities. The Quaker legislature of Pennsylvania earned the reproaches of posterity and the execrations of its contemporaries by refusing to vote a dollar or a man for the public defence. Washington, with his small force on a frontier 400 miles long, was almost powerless, and wrote that he would sooner die a hundred deaths than witness the heart-rending scenes which his hard lot compelled him to see. The triumph of Canada, on the other hand, was somewhat damped by the

scarcity of food that prevailed there through the winter of 1755–6. But in May, 1756, war was formally declared; and the Marquis de Montcalm sailed in the same month with supplies of all kinds and 1200 fresh troops to take command of the Canadian forces. He was a man of high character and ability, then in his forty-fourth year, and had served with distinction in Europe. His immediate subordinates were De Lévis, Bourlamaque, and De Bougainville, all three of them efficient soldiers.

England sent out Lord Loudon as commander-in-chief, the 35th regiment, 900 strong, sailing just before him, with Abercrombie and Webb. Loudon was a respectable soldier, but wholly lacked vigour and initiative. He was quite unequal to a situation so strange and trying, and no match whatever for his able adversary with an army and a colony at his entire disposal. Montcalm, indeed, lost little time. In August he headed in person an expedition against Oswego and forced the garrison, some thousand strong, who should have been reinforced, to capitulate at discretion. Forts, houses, stores, and shipping were demolished. The place was temporarily erased from the map, and Ontario once more became a French lake. The blow was a severe one, and the English this summer had no successes of any kind to counterbalance it. It had been intended to send another expedition against Fort Duquesne along Braddock's road, but Pennsylvania and Virginia refused all assistance, and the project had to be abandoned.

The chief operations of the summer had their centre at Albany, which may be roughly described as in the angle of the only two routes to Canada — the one leading north through Lakes George and Champlain to Montreal, the other westward up the Mohawk valley to Oswego on Lake Ontario. The country they penetrated was a rugged and romantic wilderness, the historic battle-ground of eighteenth-century America, much of it occupied by the Indians of the Five Nations, whom a traditional policy and Johnson's skilful diplomacy kept neutral or friendly in spite of French prestige. The efforts of the British were mainly directed towards the northern route and, as in the preceding year, to the expulsion of the French from the lodgements they had gained within such easy striking distance both of New York and the New England colonies.

There were as yet few British regulars in America. The newly arrived 35th and Braddock's survivors were almost all that Loudon had at his disposal. But an army of several thousand provincials, mostly New Englanders, had taken the field, and were gathered under his order. Except that they could handle a gun and possessed as much courage as could be expected without discipline, never was a people more calculated to be the despair of a commander than the Americans of that day. Every colony jealously controlled its own levies and its own military expenditure, and set limits, not only to the term of the men's services, but sometimes even to the districts in which those services were to be given. The New England militia regiments chose their own officers, usually their own social

equals and neighbours, an arrangement in itself fatal to discipline. Sanitary knowledge, even such as then possessed by regular armies, was entirely absent; and, in localities where men to-day seek camp life as a means of health, the colonial troops sickened by hundreds, and died by scores. Jealousies between the colonial leaders, and again between the colonial officers and those of the British regiments, increased the confusion. When to this are added the difficulties of campaigning in regions outside the food-producing area, wrapped in the gloom of unbroken forests and swarming with Indians, one ceases to wonder that North America proved the grave of such moderate reputations as George II's generals brought out with them before the days of Pitt's supremacy.

Loudon was of a desponding nature, and acquired a reputation for dilatoriness and other failings that was perhaps not fully deserved. The summer was consumed in strengthening Forts Edward and William Henry and in building the vast fleet of boats necessary for advancing down Lake George against the French, whose great fortress of Carillon or Ticonderoga, at the narrow entrance to Lake Champlain, bade defiance to the British and filled the surrounding forests with fierce bands of marauding scalp-hunting warriors, both red and white. Similar troops were also to be found on the British side, and that in increasing numbers as time went on — bands of hardy dare-devil rangers, drawn from the ranks of frontiersmen and hunters and grouped under popular leaders like Stark and Rogers. The adventures of these men formed one long romance, while their services were invaluable. Their deeds of daring and heroism, their amazing fortitude, their hair-breadth escapes, and their too often sanguinary deaths, added to the picturesqueness which so eminently distinguishes the story of these half-forgotten campaigns when read in detail. It is only possible here to remind the student that the intervals between those combined movements which general history can alone take note of were filled with performances whose simple narration makes fiction seem in comparison tame and poor; and it is far from wonderful that many British officers, fascinated by the dash and danger of these forest raids, sought service in them, and, being for once the amateurs, while the colonials were the experts, not seldom paid the penalty of their inexperience with their lives.

The winter of 1756–7 dragged through with little change in the respective positions of the two rival nations. Campaigning in a serious sense was out of the question at that season of the year. The requirement of winter-quarters for the regular troops raised considerable friction. The inhabitants of the chief cities showed a reluctance to provide food and shelter for the men who had come to fight their battles that seems almost inexplicable. The health of the soldiers, the temper of the officers, and the good understanding, so vital at this crisis, suffered in consequence. Large numbers deserted their colours. The colonial militiaman left his colours from the natural yearning of a raw recruit

for his home, and not seldom in despair of his long-deferred pay. The regular was tempted to desertion by a country which afforded good hope of escaping recapture and offered at the same time encouraging prospects.

Loudon had urged upon the government the doubtful policy of making the capture of Louisbourg their main object for the summer campaign of 1757. They had followed his suggestion, and he was now ordered to New York with as many troops as the exigencies of colonial defence were supposed to admit of. This accomplished, he awaited the favourable moment to embark his force for Halifax, there to be joined by reinforcements from England, and a strong fleet under Admiral Holborne. Sir Charles Hardy, with a small squadron, was to be his convoy to Nova Scotia; but in the meantime news of a large French fleet off Louisbourg arrived, and Loudon dared not move. He waited in vain for tidings of Holborne, till at length, urged by the necessity for action, he and Hardy decided to take the risks. Discovery by the French fleet would have meant certain ruin; but they took every precaution possible, and fortune favoured them. The transports arrived at Halifax upon the last of June, and Holborne, with fifteen battle-ships and over five thousand troops, joined them ten days later. The Royals, 17th, 27th, 28th, 43rd, 46th, and 55th regiments of the line, each of them seven hundred strong, constituted the bulk of the reinforcements. The regiments previously with Loudon or in the Nova Scotia garrisons were three battalions of the Royal Americans, the 22nd, 42nd, 44th, and 48th, besides American rangers. In all there were some eleven thousand troops, mainly regulars, collected at Halifax, the most formidable army that had yet trodden American soil. But, like everything else connected with British strategy at that unhappy period, they were too late. A month was occupied in drilling and organising the troops and in vain endeavours to ascertain the military and naval strength at Louisbourg. The first report of this was so far encouraging that the army was actually embarked. Before setting sail, however, a second and more trustworthy account was received to the effect that 7000 troops, besides Indians and irregulars, were within the walls of the strongest fortress in America, and that 22 battle-ships, besides frigates, carrying 1300 guns, were riding in the harbour. A council of war pronounced this to be a hopeless outlook; and Loudon, leaving four regiments for the protection of Nova Scotia, sailed back with the remainder to New York. Admiral Holborne, being subsequently reinforced, endeavoured to tempt the French fleet out of Louisbourg. But La Motte, their commander, had no object in risking an engagement; and Holborne, while cruising off the coast, was caught in a hurricane, his fleet scattered, and some ships wrecked. A melancholy close was thus put to an ill-advised and badly executed campaign. Loudon has been made the scapegoat: his dilatoriness is the burden of most writers. He is even

ridiculed for occupying the troops at Halifax in planting vegetables for the use of the sick and wounded in the looked-for siege of Louisbourg, and in practising siege-operations — a better and healthier alternative surely than the other one of drinking and idleness! The dilatoriness lay with the English government in despatching an expedition to an open harbour on the 5th of May that should have sailed rather on the 5th of March. Loudon has perhaps a greater blunder to answer for, namely, that of entering on a campaign which, at a critical moment, removed him with the cream of his troops from operations of more vital import. He had not reached New York before the error was brought home to him by a despatch-boat laden with the disastrous news that Fort William Henry had fallen in lamentable fashion and that the waterway from the Hudson to Montreal was in the hands of the French.

While Loudon, as the lampooners said, was "planting cabbages" in Nova Scotia, Montcalm had vigorously thrown himself on the weakened frontier of New York. Dazzled by his brilliant achievement at Oswego, hundreds of western savages had flocked to his standard at Montreal, while the so-called Christian Indians of Canada needed no such incentive to take up the hatchet. Ticonderoga or Carillon, at the head of Lake Champlain, was to be the rallying-place; Fort William Henry, thirty miles off at the head of Lake George, the point of attack. The French commander, on his side, was not free from personal annoyances. Vaudreuil, the governor, as a native-born Canadian, was jealous both of him and of his friends. The French troops on their part had no love for their Canadian brothers-in-arms. The civil administration from top to bottom battened on corruption. The Church claimed immense privileges, and was sometimes troublesome. But in the matter of making war these were trifles compared with the cumbrous and complex machinery that existed across the English frontier. There were no fanatical, jealous, parsimonious, or ignorant legislators to be consulted, no supplies to be voted. The King found the money; the colonists were at any rate anxious to fight, however they might differ on other matters; and when the commander-in-chief gave the signal, every Canadian, without hope of pay, was ready to march with the French regiments, only anxious to prove his perennial though vain boast, that he was a better soldier than the regulars and equal to three Englishmen. 8000 men, including six royal regiments and a large body of the marine or colonial regulars, were at Ticonderoga in July. Montcalm was there himself, with the able De Lévis as second in command. At the far end of the long, narrow, mountain-bordered lake in Fort William Henry, lay Colonel Munro with some 2000 men, nearly half of them raw militia recruits. Fourteen miles behind him, on the Hudson at Fort Edward, General Webb, commanding in Loudon's absence, had a still smaller number of still worse troops. In his rear

lay Albany and the English settlements, quaking with a fully justified trepidation and sorely weakened in their former faith in the invincibility of the mother-country.

The story of the capture of Fort William Henry and its ghastly sequel is one of the dramatic episodes with which this period of American history abounds, though it can only be treated in brief outline here. Montcalm, with the help of boats and *bateaux*, experienced little difficulty and no opposition in bringing his motley but effective host and formidable artillery to the raw clearing of the forests, not a stone's throw from the lake shore, where the doomed fortress awaited its fate. His summons to surrender, coupled with a significant hint that the 1800 Indians with him, if exasperated by resistance, might prove uncontrollable, was curtly rejected by Munro, who did not wholly despair of help from Webb. The garrison, which contained Otway's regiment (the 35th), was outnumbered by nearly four to one, and in average quality was at an even greater disadvantage. The British artillery was miserably inferior to that of the enemy, and the garrison was encumbered with women and children and a long sick-list. Webb, who was responsible for the posts which kept the road to Albany open, had sent from Fort Edward all the men he could spare to Munro. To have faced the French in the open with less than 2000 raw militia, and at the same time left Fort Edward at the enemy's mercy, would have been most hazardous. Yet Webb has been widely blamed for his inaction, probably on the principle followed by Loudon's critics of "once wrong always wrong," for he had made mistakes before. Through a week the roar of artillery, the rattle of musketry, and the wild war-whoops of the Indians woke fierce echoes in the mountain gorges round Lake George. The defenders' ammunition was nearly exhausted, their wretched cannon had burst or were dismounted. Sickness was raging, and the French trenches, armed with heavy artillery, had been pushed close to the ramparts. Entirely surrounded, cut off from supplies, Loudon being on the Atlantic and Webb hemmed in, Munro agreed to the inevitable capitulation. Canada could scarcely feed her own people and troops; accordingly the garrison, under the promise of not serving for eighteen months, were to be safely escorted with their movables to Fort Edward. But all French subjects taken since the war began were to be restored; each prisoner so delivered was to release from his parole a member of the garrison. The fort was then abandoned for a large entrenchment near by which had been included in the defence.

It was at the evacuation of this temporary refuge that the bloody scene was enacted which has stained Montcalm's memory. The Indians, though they had joined in the agreement, could not tolerate the sight of vanquished enemies marching off, not merely with their lives and scalps, but with their clothes, arms, and small possessions. The outrage began with a scuffle; the war-whoop was raised; and a hundred

tomahawks flashed in the air. A scene of wild confusion followed; the captive garrison had little means of resistance but unloaded muskets. The sick, with the women and children, were among them, and numbers of these fell instant victims to the fury of the savages. The escort was culpably insufficient, and proved heartlessly indifferent. Montcalm was thoroughly acquainted with the Indian nature, and detested its brutality while he recognised the value of his indispensable allies. When the catastrophe due to his carelessness occurred, he and his officers threw themselves into the tumult and exerted all their powers of persuasion and intimidation to stop the plunder and slaughter. The troops on guard, chiefly Canadians, callous to Indian excesses, would risk nothing. The French, more especially their officers, though late on the scene, behaved like men. Nearly a hundred of the weaker persons, however, had been butchered; 600 were made prisoners by the savages, and had to be redeemed at various later periods by French money; while numbers stripped of their clothes, fled to the woods, and found their way eventually to Fort Edward. Montcalm's mistake cost the French, as well as its more immediate victims, dear; for the English, with just reason, repudiated their part of an agreement which had been broken in such ruthless fashion. The guns and contents of Fort William Henry were carried to Canada; the fort itself was destroyed; and French craft plied on Lake George with as much impunity as on Lake Ontario.

This winter of 1757–8 was a gloomy one for the English in America, whether colonists or soldiers. The French, firmly seated on the Ohio, were still hurling the Indians on the reeking frontiers of Pennsylvania, Maryland, and Virginia, whose older settlements showed a remarkable lack of spirit. In the North the horrors of a greater war were detailed in hundreds of rural homesteads by disbanded soldiers who were without laurels to glorify their tales. The faith of the colonies had been greatly shaken, though unjustly, in British troops, and much more reasonably in British generals. The latter, on their part, had cause to complain of many things and were not backward in their complaints. But they were shortly to be relieved; for Pitt was now in power. Few, indeed, at this dismal season could have dreamed that within three years the French power in America would have virtually ceased to exist. France, indeed, was now at the zenith of her success. Her failure as a true colonising power, however, is significantly illustrated by the fact that the Canadians, satiated as they were with glory, were almost starving, in a fertile country occupied for a century and a half. Yet, still land-hungry, France was grasping at a continent.

Pitt had risen to supreme power in the preceding June. The train of the late disasters had then already been laid, and he had to take the consequences and profit by them. By the new year the magic of his inspiration had begun to work; and the agents of his vigorous policy, both at home and abroad, were feeling the influence of his lofty

enthusiasm. France was not merely to be checked in America; she was to be crushed and evicted. It was there he clearly saw, and not in the vast and endless turmoil of European strife, that the quarrel between France and England was to be decided. It was unfortunate for France that almost at the moment when a great man possessed of these convictions stepped to the helm in England, French colonial interests should have changed hands with a precisely opposite result, and that ministers who had backed up the able conductors of the Canadian forward policy, with both sympathy and supplies, should have given place to others who shut their eyes to the future and failed to see the "handwriting on the wall." Two French fleets, however, were already fitting out in Toulon and Rochefort respectively, for the carriage of troops and supplies to Canada. Pitt sent squadrons to check them, with the result that the one at Toulon could not get out, while the other was driven on the rocks.

Pitt's American programme for the year 1758 differed from that of the preceding one in nothing but the men and methods by which it was to be carried out. Louisbourg was to be attacked by one force, Ticonderoga by another, Duquesne by a third; in short, the three chief pivots of French influence were to be destroyed. In the selection of his officers Pitt threw precedent to the winds, ignored seniority, rank, and influence, and had regard to merit alone. To Forbes, a brave and capable soldier, was given the task of avenging Braddock; Loudon was abruptly recalled; and (Pitt's only mistake) Abercrombie, his second in command, was left in his place. For the conquest of Louisbourg, the most important task of all, he recalled Amherst, then a colonel, from Germany. His brigadiers were also men of comparatively humble rank, Lawrence and Whitmore of proved efficiency and American experience, and lastly James Wolfe, the eventual hero of the war. Wolfe was of Anglo-Irish stock, though born at Westerham, the son of a general who had served under Marlborough, and was now thirty years of age. Ever since Dettingen, where at sixteen he served as adjutant to his regiment, he had seen much service on the Continent and in Scotland. Without fortune or interest of the kind then useful he had forced his way to the command of a regiment at two-and-twenty. The heart of a lion beat in his sickly and lanky frame. Underneath his red hair and pale homely face was the cool quick brain of a military leader, matured by studious application rare enough in the soldier of any period, while a quenchless spirit, fired with a high ambition for the glory of his country, shone through lustrous blue eyes that went far to redeem the shortcomings of face and figure. In the hapless expedition against Rochefort, in the preceding years, Wolfe had reaped what scanty credit was to be gained. For years he had been chafing at the inactivity of peace, and had been forced to content himself with making his regiment the best disciplined in the British service. Now his chance had come.

Eleven thousand men and an ample train of artillery set out in February, convoyed by Admiral Boscawen and a strong fleet. So terrible was the weather that it was the 10th of May before they reached Halifax, where a few regulars and militia joined them. For nearly a week in early June fleet and army lay tossing off the surf-lashed coast, where Louisbourg, "the Dunkirk of America," the pride of France, armed to the teeth, lay frowning between a shaggy desert and a tumbling foggy sea. The embattled town was flanked by an almost land-locked harbour where a French fleet lay in doubtful security, though it added 3000 sailors to a somewhat larger number of regulars, who, with the armed members of a hardy civic population of 4000, formed the garrison. A million sterling had been recently spent on strengthening the fortifications, now a mile and a half in circumference. 250 cannon and mortars gaped defiance from the walls, while the landing-places on the adjacent coast had been fortified for immediate occupation. After much difficulty and at considerable risk, a landing was effected on July the 9th, in the face of a raging surf and a storm of grape and round shot. Wolfe, lately an invalid at Bath, and since tortured by weeks of sea-sickness, led in the foremost boat. Leaping into the surf, cane in hand, he headed the leading files against the opposing battery and carried it at the bayonet's point. The whole force was then landed, the French outer defences driven in, the heavy artillery and stores brought on shore, and the siege formally commenced.

There was no lack of energy now. Admiral and general for once worked in full accord. The trenches were pushed rapidly forward and the terrific fire of British artillery "served," in the words of a French officer, "with an activity not often seen," played havoc with the masonry, while a constant stream of bombs left the defenders, in a short time, not a spot in which they could with safety lay their heads. A sally in force was defeated and driven back. Wolfe was conspicuously active, now heading a charge, now erecting fresh batteries on the harbour side, and working big guns with joyous energy. It was a gallant defence, too. Drucour, the governor, behaved with infinite spirit; and his wife is said to have mounted the ramparts and personally animated the men who manned them. But by July 24th only four guns were feebly answering the roar of Amherst's artillery, and the place was a heap of ruins. The ships in the harbour were burned or taken, and there was no option but unconditional surrender, though even now the French officers were anxious to fight to the last. But the populace dreaded retaliation for the barbarities of the French Indians and insisted on capitulation. 5637 French soldiers and sailors were delivered up and sent prisoners to England. The greater part of the population was shipped to France, and 240 guns with a large supply of arms and stores passed to the victors. The news was received in England with transports of joy. Bells pealed and bonfires flared, while

the captured standards were carried in solemn procession to St Paul's, for it was the first great success in America. Louisbourg was soon afterwards levelled to the ground at enormous labour and cost. Its pride and power became but a memory, now this long time a faint one. The lines of its streets may even yet be traced upon the turf of the lonely promontory; and fragments of massive masonry may be still seen half buried beneath the verdure of more than a century's growth.

There were now some thoughts of moving on Quebec, but the season seemed too short for so formidable a venture, and in the meantime came news of a great disaster on Lake George, which hurried Amherst to New York with all his available forces.

Even the colonial legislatures this year had caught some sparks of Pitt's enthusiasm. He had called on them to furnish, clothe, and pay 20,000 men, a force almost as large as the whole British army of a few years back. They had nobly responded, Massachusetts, seconded by Connecticut, bearing more than half the burden. With some 10,000 provincials and 6000 regulars, Abercrombie, after a month in camp, moved on to what was regarded as the certain destruction of Ticonderoga. Never had an American summer sun shone on a more brilliant and martial spectacle than the vast flotilla which drifted up the shining surface of the most beautiful of American lakes to disaster undreamed of. Borne in more than a thousand boats and propelled by ten thousand glinting oar blades, went redcoats, plaided Highlanders, and blue-coated provincials, with arms shining and banners flaunting in all the pride and panoply of war, while the still morning air was filled with the sound of martial music, and the stirring calls of trumpet and bugle made wild echoes in the mountain glens. Many of those who saw it have left us their impressions of that memorable scene: seldom, perhaps, has such a picture been set in such a frame.

Abercrombie was past fifty. If his lack of ability was suspected, it was in part counteracted by the presence of his brigadier, Lord Howe. The latter was now thirty-four. He was a promising officer, and beloved by the Americans. "The noblest Englishman that has appeared in my time and the best soldier in the British Army," wrote Wolfe, who knew him well. Montcalm, with somewhat over 3000 men, all good regular troops, but with no chance of timely succour, waited at Ticonderoga, halting, as well he may have done, between many plans. The one adopted was a bold one and a sudden thought. The fort, for various reasons, did not commend itself as a point of resistance. Half a mile distant, some rising ground seemed much more suitable. This elevation his whole army toiled day and night to entrench. The trees, for a musket-shot round, were felled and left lying with their branches pointing outwards. A barricade of logs, eight feet high, was erected in a rude circle, while outside the barricade, an almost impenetrable frieze of branches placed in layers with their points sharpened, made access, even without opposition,

no easy matter. Montcalm, who had De Lévis and Bourlamaque with him, knew well that against artillery he was powerless, and that a mere blockade, without even firing a shot, would soon reduce him. His only hope lay in some blundering on the part of the English commander; and a Frenchman of that day had fair cause to regard it as no forlorn one. Montcalm's risk was justified by the sequel. Abercrombie came on without artillery or a competent engineer, and Lord Howe was killed in a skirmish that took place as the troops were advancing through the woods from the landing-place. The French entrenchment, defended by 3500 good troops, was impervious to musketry or the bayonet. Abercrombie believed the defenders to be in greater force even than this, but nevertheless proceeded at once to launch the flower of his army upon the hopeless task. A lamentable scene ensued. The abatis of branches lining the ramparts was immovable and almost impenetrable. Behind it was a log wall, eight feet high, from which poured a continuous stream of lead. For four hours the troops came on, regiment after regiment struggling wildly and vainly, amid the labyrinth of branches, to reach the defences behind. Rarely have British soldiers exhibited more dauntless though futile heroism. Abercrombie blundered again in failing to see that he was sacrificing the lives of brave men in vain. Human endurance at length gave out: nearly 2000 men, of whom 1600 were regulars, had fallen in this short quarter of a summer day. The 42nd Highlanders in round numbers had lost 500 out of 1000 men. The mortality speaks for the valour of the troops, for there was no pursuit or outside fighting. Every man was shot, deliberately rushing on that hopeless wall of flame. The victorious French, whose losses were small, as they had fought under cover, were, as was natural enough, elated to ecstasy, but, dreading a second attack of Abercrombie's still formidable army, conducted probably with judgment and artillery, they made every effort to reinforce Ticonderoga. In no long time, instead of 3000, 12,000 men were there; and for that season the path to Canada was unconquerable. Abercrombie, in the meantime, had conveyed his dispirited army back to its old camp, where Amherst joined him with the Louisbourg troops in October.

One enterprise saved Abercrombie's immediate command from the blame of unrelieved failure. This was the work of an able provincial officer, Bradstreet, who, with 3000 provincial troops, made a bold dash through the northern wilderness to Lake Ontario, and destroyed Frontenac, one of the great fortified trading-posts of the French. He captured its small garrison, together with a large quantity of stores and guns, burnt their fleet on Lake Ontario, and destroyed, as it turned out, for ever, this ancient base of French attack.

A few words, too, must be said of the third great expedition which signalised this busy year, namely that of Forbes against Fort Duquesne, the key of the Ohio. Forbes was over sixty, an able and devoted

officer. He had with him some 4000 provincials from the middle and southern colonies and 1600 regulars, chiefly Highlanders. Before setting out, his powers of organisation and diplomacy were heavily taxed, as in order to get his men and supplies he had to wrestle long and painfully with the perverse legislatures of Pennsylvania and her neighbours, who were very far indeed from emulating the zeal of New England. He finally started, not upon Braddock's tracks, but, in the teeth of Virginian opinion, upon a new route to be laboriously opened step by step through the west of Pennsylvania. An able Swiss officer, Bouquet, was his second in command, while Washington, though opposed to the route, lent active assistance. Forbes' health was utterly broken, but, borne on a hurdle between two horses, he stuck to his post with admirable courage. The strength of Fort Duquesne was quite unknown, so Grant, a Highland officer, with 500 of his own men and some rangers, went forward to investigate it. His zeal outrunning his discretion, he found himself, greatly outnumbered, in front of the enemy, and suffered a repetition of Braddock's catastrophe on a less serious scale, not far from the spot where the bones of the victims of 1755, picked clean by wolves, were still whitening by the Monongahela. But British confidence could no longer be so readily shaken. Forbes pressed cautiously but steadily on through scalping Indians and French guerillas, securing the posts behind him as his axemen hewed their laborious way across the Alleghanies. The leaves were falling from the forest trees under the chill breath of November, and the task was not yet done. His officers urged sound and logical reasons for deferring the attack till spring. Forbes, however, swinging in his rude litter and in mortal pain, but, with prescience perhaps in his dying eyes, refused to listen, and with Bouquet, Washington, and 2500 picked men pushed on to this hornets' nest of French and Indian devilry. Their nerves strung up in expectation of a fierce and critical encounter, Forbes and his men were amazed to find the place dismantled and forsaken, and stacks of fire-scorched chimneys rising out of a heap of charred ruins with the unburied bodies of Grant's Highlanders lying round. The capture of Louisbourg and, above all, the destruction of Frontenac, a source of supply to the Ohio posts, had helped, in the face of Forbes' advance, to render Duquesne untenable. The French had vanished for ever from the Ohio. Their dream of western empire was at an end, and they had now to fight for their very existence in America. Forbes in the meantime went slowly back through the cold and sleet to die in Philadelphia, where some unrecorded grave holds the bones of a hero, whose momentous services received scant notice from his countrymen and whose very name has no longer any place in their memory.

The year 1759 was to be an even busier, and for the English a more triumphant, one than its predecessor. And it was to be made ever memorable by the capture of Quebec in the face of natural difficulties

and physical odds that seem insuperable. Amherst was to resume the uncompleted task of driving the French from Ticonderoga and Lake Champlain and if possible of fighting his way to Montreal, forming with the attack on Quebec by a fleet and army a combined movement, which if successful would place Canada at his feet. A third army under Prideaux, advancing up the Mohawk route, was to clear Lake Ontario and seize Niagara, where a large French post barred the way to Lake Erie and the western trade.

Wolfe had gone home after Louisbourg, full of honours; not, however, to display them, but to try to patch up his wretched constitution at Bath, against such demands as Pitt, in the coming season, might make on his services. Here, not without murmurs from the jobbers and overlooked incapables, he received his appointment to the command against Quebec. Louisbourg was the rendezvous for the army placed under his orders, which consisted of something under 9000 men. He was still to remain only a colonel with temporary rank of major-general, and was just thirty-two. His brigadiers were Monkton, Murray, and Townshend, all well-tried officers, though the appointment of the last-named was to some extent a concession to rank and interest. The troops were composed of the 15th, 43rd, 58th, 28th, 47th, 35th, 48th regiments, and the 78th (Highlanders) with two battalions of the 60th, or Royal Americans, a corps of light infantry, three companies of picked Grenadiers, and six companies of Colonials.

The French had always regarded the upper St Lawrence as unnavigable for large warships. Bougainville had declared that 4000 men could hold Quebec against all comers, and that the English would be mad to attempt it. He had this winter been sent to France to beg for reinforcements, and had returned just in time to warn Montcalm that an English fleet and army were actually on the sea destined for Quebec. Such was that fine soldier's energy that, when Wolfe and his men, partly by the assistance of compulsory pilotage and partly by daring and skilful English seamanship, found themselves floating in the vast basin of Quebec, they beheld not four thousand but four times four thousand foes as strongly entrenched as nature and skill could make them.

Montcalm, despairing of help from France, had collected every man that could be spared from the prospective defence of Montreal against Amherst, and from the western posts, to hold the city of Quebec, which clings to the slopes and crown of a lofty promontory between the main river and its confluent the St Charles. The St Lawrence here suddenly narrows to less than a mile in width, and theoretically hostile ships could not pass its batteries. Above the city for several miles almost precipitous cliffs drop into the water from the north shore, practically securing it from all attack upon that side. Below the city, and beyond the confluence of the St Charles, a high ridge follows the shore line for some six miles to where the Montmorency, plunging down it in broad

cataracts, forms a natural barrier of defence. With a sufficient garrison of sailors and militia in the town, Montcalm had strongly entrenched this six miles of ridge, having his headquarters at Beauport in its centre, and behind it lay 14,000 men, their right upon the St Charles, their left upon the chasms of the Montmorency. Even Wolfe's gallant heart may well have sunk when he stood upon the point of the island of Orleans and took in the situation with his glass. It was the end of June. He had less than four months in which either to capture the city or return bag and baggage before the ice-bound northern winter — to his proud nature an intolerable alternative. Yet, to his eager and anxious gaze, the city seemed invulnerable. He could pound it with artillery and reduce the country outside the walls and the Beauport lines. For the rest he must trust to fortune and inspiration. He planted, though not immediately, a camp and batteries, where the Montmorency meets the St Lawrence, facing across the former stream the left wing of Montcalm's entrenched lines. On the point of the island of Orleans, looking over to the city four miles distant, he had another camp, while the heights of Point Lévis, confronting Quebec at a distance of less than a mile across the narrowed channel, were the obvious spot for his main batteries. Montcalm had keenly felt this danger. But Vaudreuil had overruled him, maintaining that cannon planted there could not command the upper town.

Wolfe was soon to prove Montcalm's judgment the better one. He lost no time in driving off the feeble opposition on Point Lévis and erecting formidable batteries upon the heights, which on July 12th began to play upon the town with terrible effect. But this brought Wolfe no nearer to its capture. In the meantime two attempts had been made with fire-ships to burn Saunders' fleet, which lay in the basin, but both had been defeated by the courage of the sailors. Innumerable incidents filled the precious days, passing all too swiftly. A night attack on the Point Lévis batteries was easily repulsed. The surrounding villages that showed signs of being troublesome were intimidated. Attempts were made to find a ford up the rough defiles of the Montmorency whence Montcalm on the Beauport lines might be perhaps attacked in the rear, but to no purpose. Ships ran the gauntlet of the Quebec batteries and destroyed French shipping above the town. Reconnaissance parties went up the river and accomplished such small successes as were in their power, drawing off by that means a few hundred men from Montcalm's army to watch them. But the main object was no nearer achievement. Montcalm showed no disposition to move, and Wolfe in despair, though with much careful preparation, attempted a dash at the Beauport lines on July 31st. Wolfe himself led the boats under a heavy fire, which bespattered him with splinters and knocked his cane out of his hand. Any faint chance of success, however, was ruined by an unaccountable madness which seized the Louisbourg Grenadiers and Royal Americans (60th), a thousand of whom were the first to land upon the flat narrow strip below the

entrenched hills. Filled with an overweening confidence in their powers, without waiting for the regiments behind, or the orders of their own officers, who had nothing for it but to go with them, they threw themselves upon the steep slopes from whose embattled crests a storm of grape and musketry could sweep them at will. They never reached the summit, but through the gloom of a sudden and drenching thunderstorm fell back to the boats with the loss of 443 men, including 36 officers. It was a sad fiasco, and added to the depression that was fast settling on Wolfe's sensitive mind. But his soldiers never for a moment lost faith in him; and, as he lay for some days in a critical condition, wracked with the pain of his recurrent maladies, and by mental torture at the thoughts of failure, one note of sympathy permeated the whole army and one chorus of joy greeted his recovery. August passed away, and, save for the fact that the churches, convents, and houses of Quebec had been battered into ruins by Monkton's guns on Point Lévis, things were no further advanced; and news had come that Amherst could not reach Montreal.

Wolfe had already been up the river and looked at the cliffs which for six miles defended the plateau on whose eastern point Quebec was perched. When he rose from his sick-bed on August 31 he had made, after consultation with his brigadiers, that famous resolution which cost him his life and gained him immortal fame. For its execution he could only employ some 4200 men, out of an army reduced by death and sickness to 7000. Abandoning the Montmorency camp on September 3rd, and leaving the remainder of his army at the Isle of Orleans and Point Lévis, he marched up the south shore to where Admiral Holmes with some ships of the fleet well supplied with boats was awaiting him. Montcalm was puzzled; Bougainville, who lay entrenched at Cap Rouge near to Wolfe's new quarters, with 1500 men, was equally perplexed. Few besides the British general himself knew that he had selected for his desperate venture a spot where, at the Anse du Foulon, a mile above Quebec, a rude path zigzagged up the cliff. After a few days of seemingly purposeless manœuvring up the river the critical moment arrived. While below Quebec, on the day and the night of the 12th the guns of the fleet and batteries, in accordance with secret instructions, were by their unusual activity exciting suspicions of some fresh endeavour under cover of their fire, Wolfe with 3600 picked men in boats was waiting for midnight to drop down to the Anse du Foulon. Not without some good luck, they passed the unsuspecting sentries in the small hours of the morning and, before dawn broke, were clambering up the two hundred feet of bushy precipice that led to the Plains of Abraham which fronted the city. Six hundred more men under Burton, who had waited for them across the river, crossed in the same boats and followed rapidly on their tracks. A weak outpost at the top was instantly overpowered. The alarm was given, but there were no facilities within reach for serious resistance. At daylight Wolfe was marshalling on the plateau in front of the city

and at his leisure the best body of troops perhaps that had fought for England since the days of Marlborough. Montcalm, away beyond the city at Beauport, was awaked at six, from a few hours of well-earned sleep, with what seemed incredible reports. Leaping on his horse, he galloped along the Beauport lines towards Quebec till he reached a point whence he could see through the grey of the morning the red lines of the British infantry in very truth, stretched across the Plains of Abraham. He had thought himself quite safe for the season; but, able soldier though he was, he had been clearly out-manœuvred. Montcalm was no boastful Canadian ranger, but an experienced general, and had few delusions as to the issue of a fight with Wolfe's troops in the open. He remarked curtly to his aide-de-camp that the situation was serious, and then set himself to his difficult task amid the excitement with which the French lines from the city to the Montmorency were already throbbing.

It was past nine o'clock when a French force numerically about equal to Wolfe's stood between him and the city. Montcalm was anxious to strike at once, since Bougainville with his 1500 men should by ordinary calculation be now in Wolfe's rear, while the possession of the Anse du Foulon gave the latter the power of bringing up fresh troops and even artillery. But Bougainville had not arrived, while the pick of Montcalm's army, a mixture of regulars and militia, had now collected for a struggle in which the British leader regarded victory as already secured. Both sides were eager for the fray, when the French advanced to the attack. The British, who had been greatly annoyed by sharp-shooters from the bordering thickets, had nevertheless kept their ranks with admirable steadiness, and now, under strict orders to reserve their fire, awaited the French, who delivered theirs in desultory fashion as they advanced. It was not till the enemy were within forty yards that the entire British line poured in their first volley with a uniform precision that enthusiasts declared had never been known off a parade-ground and with a result more crushing than had ever been witnessed from a single discharge upon a battle-field. Amid the confusion into which this withering fire threw the advancing French, Wolfe's soldiers reloaded and, pouring in one more volley, rushed forward upon the shaken foe with bayonet and broadsword; Wolfe, already wounded in the wrist, led the Louisbourg Grenadiers upon the right in person. The mass of the French, already beaten, were flying towards the city. Groups of white-coated regulars, proud in their regimental traditions of European wars and their own victories in American woods, offered a brave but futile resistance, while riflemen and Indians hidden in woods and cornfields poured in a sharp fire upon the victorious enemy. At this moment, with the shouts of his victorious troops in his ears and the fruits of his daring already in his grasp, Wolfe received a ball in the groin, and almost immediately afterwards another passed through his lungs. He still

struggled to keep his feet and, as he staggered into the arms of a lieutenant of grenadiers, gasped out his concern lest his soldiers should see him fall. He was borne to the rear and lived just long enough to give one last order and to yield up his noble spirit with the shouts of victory ringing in his ears. Monkton at almost the same moment was dangerously wounded. Upon this Townshend took command. Bougainville, like Montcalm, had been out-generalled. He arrived with his 1500 men just too late to make any attempt on his part justifiable. Montcalm had received a mortal wound and was dying in Quebec. A panic had seized the whole French force; and, while Townshend was entrenching himself before the weak western ramparts of the city, the French army, passing round his left, were pursuing their way towards Montreal. The English, in fact, had got between them and their sole source of supplies, while their ships held the river. The lines of Beauport, on this account alone, were no longer tenable. The city was left with a mere handful of men in garrison; and the governor, De Ramezay, surrendered it in four days. The French loss upon the Plains of Abraham was about 1200, besides a considerable number of prisoners. The British had 58 killed and over 500 wounded. The precise number of French in the action is not clear. Probably 3600 is a sufficiently accurate estimate, exclusive of several hundred Indians. Wolfe had about the same number with him, for a battalion 500 strong had been left to guard the Anse du Foulon. Brigadier Murray was now placed in command of the captured city.

The fall of Quebec was greeted in England with transports of joy. Wolfe's recent despatches had prepared people for the worst, and the public faith in the young general, as was only natural, had begun to waver. Now, as if in rebound from its brief despondency, the whole nation went wild in an ecstasy of triumph, which even the victor's death, seeing how infinitely glorious it was, could not diminish.

Amherst, in the meantime, though he had forced the French from Ticonderoga, found the road to Montreal a much more difficult one than had been anticipated. He was deplorably short of money, and had, moreover, to construct a lake fleet from the output of a single backwoods sawmill. The summer was filled with stirring incidents of partisan warfare. All hope, however, of supporting Wolfe was early given up; Amherst, if sure in his movements, was undoubtedly slow. It would have required a great leader to reach Quebec that season; and to expect a second Wolfe in the same army is unreasonable. Prideaux, on the other hand, had been successful, after an ably conducted campaign, in seizing Niagara; but, like Wolfe, he had (by the bursting of one of his own guns) lost his life in the moment of victory.

Montreal and the smaller posts on the banks of the St Lawrence were now almost all that was left to the French. De Lévis was in command, and that able soldier, at the head of his brave regiments of regulars, now recovered from their passing panic, and a still considerable number of

faithful militia and Indians, made the tenure of Quebec by Murray and his 6000 men no easy matter. The glory of Wolfe's exploit has somewhat obscured the trials and merits of his immediate successors. Amherst and his army wintered in New York, Albany, and other posts, looking forward with entire confidence, justified by the past summer's work, to reaching Montreal in the coming season. Murray, however, isolated at Quebec amid the frozen waters and snowbound forests of the North, was in anything but a comfortable position. Barrington, the Secretary for War, had been lamentably neglectful. The troops had no winter clothes, and their pay was greatly in arrear: Quebec was almost in ruins and afforded miserable shelter. There was neither fresh meat nor vegetables; the harassed fire-scourged neighbourhood was itself half starving, and wood-chopping parties were continually attacked by disbanded militiamen and hostile Indians. The city, too, was most vulnerable from the Heights of Abraham, to which the French from the direction of Montreal had ready access. A winter attack by De Lévis, who had still a large force at his command, burning for revenge though cramped by lack of provisions, was expected. Lastly sickness, due to scant clothing and bad food, was so rife among the garrison, that by the end of winter it had dwindled to 3000 effective men.

Early in April, 1760, De Lévis with a force of twice that number moved up to the attack. Montcalm, surrounded by a friendly country, had failed to hold Quebec against numbers far inferior. Murray, in the midst of an unfriendly one, had now to hold it against a force more than twice the strength of his own. The British general, however, went out to meet De Lévis, and on April 28 fought the battle of St Foy, just beyond the Plains of Abraham, in which the loss of life was greater than in the more famous fight of the preceding September. De Lévis had some 10,000 men with him, besides Indians, and after a fierce engagement drove Murray back into Quebec with the loss of a thousand men, though the French loss in killed and wounded was more than double that number. The British general has been blamed for going out to battle at such a disadvantage, and is frequently accused of having been dazzled by Wolfe's fame and desirous of emulating his achievement. It must be said on Murray's behalf that the ground was still frozen and impervious to entrenching tools, while the town itself, on that side, was barely defensible. The French now prepared for a formal siege. But the river was nearly free from ice. Either a French or a British fleet might appear at any moment, and it was well understood that upon the nationality of the first comer the fate of the city hung. On May 9th the British frigate *Lowestoft*, the precursor of others, sailed into the basin. De Lévis' scanty food supplies from the West would now be totally cut off; and he at once fell back on Montreal, Murray following him with 2200 men. Amherst, too, with the new season, was gathering his forces at the old base upon the upper Hudson, to join in the final blow. The

Champlain route, now easy to force, he left to Colonel Haviland, while with 10,000 men he ascended the Mohawk to Oswego on Lake Ontario, thence to descend the St Lawrence upon Montreal. Thus three powerful corps were converging upon this last stronghold of the Canadas; and the French forces, terribly diminished by death, sickness, and the desertion of the militia, could only hope to harass the British advance, make a last stand at Montreal, and obtain the best terms they could.

Amherst, as we have seen, was not a dashing leader, but he was an admirable organiser. His difficulties in descending the rapids of the St Lawrence were very great, 90 men being drowned in the descent; but he reached Montreal actually upon the same day as Haviland, Murray arriving some twenty-four hours later. Vaudreuil, the governor, and the famous *intendant*, Bigot, were at Montreal. There, too, were De Lévis, Bourlamaque, and Bougainville, with 2400 men, the remnant of that gallant force which, unsupported by the mother-country, had struggled with such devotion against adverse circumstances and sometimes against great odds. The militia had all returned home. The Indians, quick to desert a falling cause, had vanished into the woods. It was now but a matter of arranging terms of capitulation, though the soldiers themselves showed much genuine eagerness for further resistance. But the counsels of Vaudreuil and the civil powers prevailed against such useless expenditure of human life; and on September 8th, exactly a year after the death of Wolfe, the capitulation was signed. Under it the whole of Canada passed to the British Crown; and the Treaty of Paris (1763) left this arrangement undisturbed. The fact that the Catholic religion remained unmolested and that the language and, for all practical purposes, the laws of the inhabitants were in no way interfered with, is creditable to the combination of policy and humanity which dictated these concessions. All that was now left to the French in North America was the small colony of Louisiana on the Gulf of Mexico, which eventually became by purchase the property of the United States.

CHAPTER V

THE QUARREL WITH GREAT BRITAIN

WE have seen in an earlier chapter how much there was to keep alive a vague spirit of discontent in the colonies towards the mother-country. The war in Canada had done nothing to allay that feeling. The military co-operation between Great Britain and the colonies had been incomplete and unsatisfactory. Each had seen the worst side of the other. The colonists had seen the dulness and rigidity of British soldiership, the arrogant contempt of British officers for mere provincials. Moreover, English politicians had debated whether to retain Canada or to abandon it and accept Guadaloupe. This was held by the colonists, not altogether unfairly, to show indifference to their safety and well-being. On the other hand British officials had been justly exasperated by the sordid illiberality and lack of public spirit shown by too many of the colonial assemblies.

There were other causes tending to accentuate ill-feeling. The Episcopalians of New England and their friends in the mother-country had never made any secret of their wish to place the Anglican Churches of the colonies under a bishop. In 1763 John Miller, a leading Episcopalian clergyman in Massachusetts, who represented the Society for the Propagation of the Gospel in Foreign Parts, died. In a newspaper article published upon his death, he and his work were disparaged. Thereupon a bitter controversy arose; the protagonist on the Independent side was Dr Mayhew, a Boston minister of robust mind and controversial temper, well endowed with powers of rhetoric and sarcasm. He contended that the Society had gone beyond its legitimate sphere, when, instead of confining itself to missionary work among the Indians, it sought to promote Episcopalianism among the settlers. All experience shows how hard it is to refute such charges, and how difficult it is for an earnest clergy to escape the reproach of proselytising. The question, with which side the victory logically rested, is of minor importance. The main point was that the colonists were taught to believe that those in power sought to establish not only Episcopacy but those incidents of civil government and that spirit of administration which were specially identified with Episcopacy.

The same temper had been aroused in Virginia. There the dues of the clergy, like all other contracts, were calculated and paid in tobacco. The clergyman received a fixed quantity, and thus the amount of his stipend fell or rose as tobacco was cheap or dear. But in 1755 the Assembly passed an Act, under which, when the crop was scanty and tobacco therefore dear, the payment might be made in money. In other words, the clergy were to lose by a plentiful crop, but not to gain by a short one. Patriotic writers have frankly admitted the injustice of this Act, which was vetoed by the King, acting fully within his constituted rights. The tithe-payers, however, disregarded the veto and proceeded as if the Act were in force. The clergy thereupon took legal proceedings. The counsel for the tithe-payers was Patrick Henry, a young lawyer of great readiness and courage, a master of invective and sarcasm, and destined to play a leading part in the coming struggle. He hardly attempted to argue the case on legal grounds. He confined himself to denouncing the moral validity of the royal veto and exciting odium against the clergy. The jury found for the tithe-payers; and the incident left behind it a vague sense of resentment against the rule of the mother-country, none the less bitter because many of those who felt it most were in their hearts conscious of having acted unjustly.

A third incident, one in which the colonists were on surer ground, and one even more distinctly premonitory of the coming struggle, namely, the opposition in Massachusetts to Writs of Assistance, will be fully discussed below.

In North Carolina, also, a spirit of resistance to authority was awakened. There had been, it is alleged, much official corruption; and the secretary of the colony, Fanning, had exacted illegal fees. In 1769 things came to a head, and a mob of nearly five thousand men, designating themselves "regulators," assembled near Raleigh. No disturbance immediately followed. Certain individuals, however, refused to pay the dues claimed by Fanning. Thereupon the sheriff distrained. A mob then assembled, beat the sheriff's officers, and destroyed Fanning's house. The legislature thereupon passed a stringent Act against armed assemblies. The governor, Tryon, raised a force and attacked the rioters. Between twenty and thirty were killed, and some two hundred taken prisoners. A severe blow was inflicted on the prosperity of the colony, as many settlers departed; and the whole affair left behind it a sense of disaffection.

The question has often been discussed how far there was from the outset anything like a fixed and definite purpose of separation. On the one hand there were those, not only in America and in England, but also in France, who foretold that, when the colonists were no longer kept in check by the French in Canada, they would become independent of the mother-country. On the other hand, Franklin, when in 1766 he

was examined before the House of Commons, declared emphatically that he knew the whole of the colonies, and that no one "drunk or sober" had ever talked of or contemplated independence. That there were as yet few, and those few not necessarily the wisest, who considered the question of separation, is probably true. On the other hand it was soon to be made clear that there was no desire for continued union strong enough to resist the pressure of a resolute minority favoured by irritating conditions. There was undoubtedly in Boston a small party who, if they had not even in their own minds formulated any scheme for independence, were fully determined to pare down British control to a nullity, and to utilise every administrative error or difficulty to that end, and for whom the prospect of independence as a possible result of their strategy had no terrors. At their head was Samuel Adams, a man of humble social position, but of good education and great ability, personally disinterested, but combining public spirit with unscrupulousness in his choice of methods in a fashion which recalls an Italian politician of the age of Machiavelli. Among his supporters was his namesake and distant kinsman, John Adams, a young lawyer gifted with great powers of thought and expression, egotistical yet capable of subordinating his egotism to the public good. There were also less worthy and less valuable members of the party, such as James Warren, irresponsible young men with a passion for rhetoric and for abstract theories, and incapable of approaching political disputes with any approach to a judicial attitude. Finally there were men, such as Washington, who did not trouble themselves about political theories till such theories were forced upon them by some practical emergency, self-respecting Englishmen whose passion for liberty was largely based on the sense of personal dignity, and capable enough to be readily irritated by official blundering or corruption — men, in short, not unlike those country gentlemen who cast in their lot with Pym and Hampden in the struggle against Charles I, not lightly carried away by gusts of partisanship, but unflinchingly staunch to a cause once embraced.

Political parties in England were in a condition which made them singularly ill-fitted to cope with any disputes arising out of administrative difficulties. Party divisions no longer corresponded to real distinctions of faith and principle. Whatever we may think of Walpole's personal character or of the good effect of his commercial and administrative policy, we cannot doubt that his ascendancy, and the conduct of other party-leaders, except Pitt, in the following generation, coincided with, if it did not cause, a decay in the public life of England, a falling-away alike in principle and practical capacity. There were to be found, sometimes coexisting in the same man, on the one hand, a vague attachment to abstract views, on the other, a cynical indifference to principle and a belief in what one may call hand-to-mouth methods in politics. Instances of the latter meet us at every turn in the administrative history

of the time ; while men of principle frequently allowed their judgment to be vitiated by unfounded theory. When we find a trained lawyer like Lord Camden, in the debate on the Stamp Act, laying down the doctrine that the union of taxation and representation is "a law of nature," we are filled with wonder and despair. Pitt, indeed, alone among British statesmen of that day, had that mixture of imaginative insight with practical grasp of detail which might have enabled him to solve the problem of colonial administration. To reconcile the claims of the British government with the aspirations of the colonists was, indeed, scarcely possible. Yet he might so have appealed to the sentiments of the colonists as to lead them to forego, for a while, those aspirations, and to overlook what was implied in the claim of authority. But no such capacity could be found elsewhere among English statesmen. George Grenville was virtually the leader of what in the dislocated and confused state of affairs must be called the Tory party. In all questions of administration and finance, his industry, method, and clear mastery of details gave him paramount influence over his followers. He approached colonial questions in the technical unbending spirit of a lawyer wholly insensible to the importance of understanding, still more of conciliating, colonial sentiment. The Whig followers of Rockingham, inspired by Burke, rose to a far higher level. Yet one cannot but see that Burke, in his estimate of colonial views and feelings, too often lost himself in abstractions, and theorised without any real knowledge of all those cross-currents of opinion which were at work in America.

Vagueness and ignorance of details were not the only hindrances to effective administration. During the whole dispute with the colonies one is reminded at every turn how ill-fitted a system of party government is for a task which is practically one of diplomacy, where success can only be obtained by patient co-operation and unanimity in direction. We feel that even a high-minded and patriotic statesman like Burke could not, in approaching colonial questions, wholly forget the possibilities of gain or loss in the game of party politics. Vital questions are not often greatly influenced by the existence or absence of political machinery. Yet one cannot but feel that a strong permanent department, representing experience in colonial administration and independent of parties, might have done much by keeping parliamentary and public opinion well-informed and in touch with the colonies.

Projects for taxation of the colonies had more than once come under the notice of British administrators. An elaborate scheme of colonial taxation submitted by some individual to Lord Townshend, Walpole's brother-in-law and colleague, is extant in the Record Office ; and there is a tradition that Walpole refused to listen to such a scheme, pleading that the Old World was against him already and that he would not make an enemy of the New. It therefore hardly showed any surprising lack of statesmanship or indifference to the interests of the colonies

when, in 1764, George Grenville, acting as Chancellor of the Exchequer, put such a project into a definite form. He gave notice of a bill, to be introduced in the following year, requiring that a stamp, for which duty must be paid in England, should be imposed on all written agreements which were to have legal validity. As a concession to the colonies he promised that, if they would suggest some alternative scheme of taxation equally effective, the measure should be abandoned.

Unfortunately at the very same time Grenville was exasperating the colonists by a sudden increase of severity in administering the revenue laws, and by an instruction that officers in the royal navy should give assistance to the collectors of customs. Moreover, the Molasses Act, already referred to, which had been only passed as a provisional measure, was about to expire ; and the probability of its renewal was agitating the minds of the colonists.

The disapproval of Grenville's scheme in the colonies was general. None of them showed the least inclination to comply with his offer and bring in an alternative scheme. At the same time the form in which their disapproval was expressed revealed differences of opinion. Some regarded self-taxation as a natural and inalienable right attaching to the colonies ; others ignored the question of abstract right and were content to treat the Act as unwise and inexpedient. This was the view taken in a formal remonstrance sent to Parliament by the Assembly of Massachusetts. It is noteworthy that Hutchinson, the lieutenant-governor, afterwards fiercely assailed as a traitor to his country, was actually the man who drafted this address ; and he never at any later time withdrew or deviated from the position then taken up. Another view, held, as we are told, by many in America, but not formally expressed in any resolution or protest, was that the colonists might acquiesce in the right of Parliament to tax them if only they were granted some share of Parliamentary representation. Most persons will consider that without facilities for communication better than those which then existed such a scheme was impracticable.

No heed was paid to the remonstrances of the colonists ; and in March, 1765, the Stamp Act was introduced and passed. Since it was carried by a majority of nearly two hundred and fifty and only opposed by one or two irresponsible and irreconcilable opponents of the government, Parliament as a whole must share whatever blame attaches to the Ministry. Apart from the expediency of its introduction at such a time, the Stamp Act has been defended on the ground that it was easy of collection and uniform in its operation. The soundness of this contention may, however, be doubted. The schedule of purposes, for each of which a different form of stamp was required, contained no less than forty-three heads ; and the prices of the stamped sheets varied from two pence to ten pounds.

The Stamp Act, which came into force on November 1, 1765, was

received in America with an outburst of indignation, for which the government was wholly unprepared. Resistance was immediate and general. The official stamp-distributors were in some cases burnt in effigy, in others forced to resign. At Boston the mob, regardless of the long public services of Hutchinson and of his opposition to the Stamp Act, and only remembering that he was now endeavouring to check their violence, sacked and destroyed his house and with it an invaluable collection of historical books and papers. This outrage was perpetrated under the eyes of a number of magistrates. Similar outbreaks took place elsewhere. In Rhode Island three chief supporters of government had their houses sacked, and the revenue officers went in danger of their lives. Disturbances also took place in New York, in Connecticut, and in Philadelphia. The general line, however, taken by responsible men in the colonies was that the measure, though unwise and injurious, was not unconstitutional. Such was the view expressed by Otis, who was regarded as the leader of the popular party in Massachusetts. Franklin consented to assist the British government in its choice of a stamp-collector for Pennsylvania.

The first sign of constitutional opposition came from Virginia. In the Assembly of that colony, Patrick Henry, already noted for his attack on the clergy, brought forward and carried a series of resolutions hostile to the Act. The vital resolution, in which the whole force of his position lay, was the last, which affirmed "that the General Assembly of this colony have the only sole and exclusive right and power to lay taxes and impositions upon the inhabitants of this colony." But the most important feature of the whole struggle was the fact that it threw the colonies into an attitude of united opposition. In all previous disputes each colony had fought its own battle. Now delegates from nine out of the thirteen colonies met in congress at New York to protest against the Stamp Act (October 7, 1865). Only New Hampshire, Virginia, North Carolina, and Georgia were unrepresented. A declaration of grievances was drafted, and memorials were sent to the King and to the two Houses of Parliament, claiming the right of self-taxation.

Next session the Ministry to which Grenville belonged were forced to leave office, not in any way on account of their colonial policy, but because their attitude on the question of a possible regency was distasteful to the King. The incoming Prime Minister was Lord Rockingham. There can be no doubt that neither the Ministry which introduced the Stamp Act nor the Parliament which passed it, and still less the country at large, had in the least foreseen the storm of indignation with which that measure was received in America. To undo the mischief was the task which the new Ministry set themselves. Rockingham himself was a man of no originality or eloquence, but he was sensible, disinterested, and courageous. His policy and that of his party was largely inspired by his private secretary, Edmund Burke.

The interest which Burke took in the colonies he had already shown by publishing the best comprehensive account of them then extant; and he approached the whole question of colonial administration with a sympathetic interest and a detailed knowledge hardly to be found in any other public man in England. His party, too, were on friendly terms with that small section of independent members who had opposed the Stamp Act. Pitt, who had been incapacitated by illness when the Stamp Act passed, reappeared. At the opening of the session the Ministry laid before Parliament all the papers touching the disturbances which had taken place in America. Pitt at once advocated the immediate and total repeal of the Stamp Act; but his support of the government was given with such reservations that it did little to strengthen the general position of the Ministry. Confidence, he said, was a plant of slow growth in an aged bosom; and he could still detect traces of an over-ruling influence, that no doubt of Bute or the King himself. The reference to age in a man under sixty had that histrionic touch which so often marred the greatness of Pitt; and it showed a strange lack of practical discernment not to see that he needed allies, and that to discredit the Rockingham Whigs was to forfeit his one possible alliance.

Half-hearted though his aid was, it sufficed to enable the Ministry to carry the repeal of the Stamp Act (February 22). Far, however, from abandoning the general principle of a right to tax the colonies, they passed a Declaratory Act affirming that right. The wisdom of this step has been a matter of no little discussion. On the one hand it was said that by this measure the boon of repeal was stripped of half its value. On the other hand it might be urged that the action of the colonies had made it impossible to ignore the question, and that to refrain from making any such declaration was virtually to abandon wholly the right at any time to tax the colonies. Future events showed that such an abandonment would have been the wiser policy. But if the Ministry are to be blamed for want of foresight, the blame must be shared by almost every responsible politician of that day.

One noteworthy feature of the debate was that Franklin was called to the bar of the House of Commons and examined as an expert on colonial politics. That showed a desire to understand and propitiate American opinion which was an entirely new feature in colonial administration. Franklin averred that the recognised doctrine among the colonists was that the mother-country had a right to control trade and to impose such duties as might be necessary for that purpose. What they denied, according to him, was the right to levy internal taxation. He did not, however, contend, as did some advocates of the colonial cause, that this was a necessary distinction, based on some immutable law of natural rights.

Questions were addressed to Franklin with the object of obtaining

an admission that the tax was only designed to lay on the colonies a fair share of the charges of the late war. These he answered by declaring that the war was fought to secure the Indian trade, which was a British rather than a colonial interest; and that "the people of America made no scruple of contributing their utmost towards carrying it on." No one knew better than Franklin that it had proved impossible to induce the provincial assemblies, notably that of his own State, Pennsylvania, to bear anything like a due share in the cost of the war; while the frequency of border raids and the imminent danger of an invasion by French and Indians combined was a sufficient answer to the contention that the colonists themselves were not directly interested in the issue of the conflict. But through his whole public career it was characteristic of Franklin to be at once temperate in the tone and unscrupulous in the substance of his arguments.

One may doubt, too, whether he was thoroughly convinced of what he asserted with full confidence, namely, the capacity of the colonists to manufacture for themselves and so to become independent of British imports. That might be possible as a temporary measure of retaliation: it was almost certain that, if it were attempted for any length of time, the force of natural conditions would reassert itself. One significant statement was made by Franklin. He was asked whether the repeal of the Stamp Act would induce the colonists to acknowledge the right of Parliament to tax them and to erase their resolutions of protest. His answer was that nothing could change their opinions, and that only force could induce them to rescind their resolutions.

That answer really expressed the truth that the repeal of the Act, though in itself a wise measure, could not put things back where they were before the Act passed. The colonists had been led to formulate definitely views which hitherto they had held but vaguely; and behind the resistance to taxation, which was gradually taking shape, if there was not as yet a conscious desire for independence, there were the elements out of which such a desire would quickly and easily spring. Young men like James Warren of Boston were coming under the dominion of those abstract theories of human rights which were soon to convulse and transform Europe. And this sentiment was neither allowed to evaporate in mere rhetoric or in childish mock-treason, nor left to smoulder beneath the surface, inactive and unemployed. In such men as Patrick Henry and John Adams we find that abstract theories, lending themselves to rhetorical treatment, were combined with a clear grasp of facts and a sound practical judgment as to the details of policy.

It is hardly an exaggeration to say that the whole history of the relations between the mother-country and the colonies, from the repeal of the Stamp Act to the Declaration of Independence, was one series of disputes, often insignificant in themselves, but rendered dangerous by

ignorance and hesitation in the rulers, by persistent and dexterous agitation on the part of the subjects. In most of these disputes Massachusetts was the battle-field. But, in 1767, the legislature of New York incurred the displeasure of the Ministry by refusing to comply with the Mutiny Act by providing the King's troops with quarters and certain necessaries. This act of disobedience was punished by the suspension of the legislature, a procedure of which the policy and the constitutional propriety might alike be doubted. New York, however, showed no tenacious adhesion to constitutional rights like that which distinguished Massachusetts; and the Assembly, thus pressed, gave way.

In July, 1766, the Rockingham Ministry had fallen, a result largely due to the covert opposition of the King. Then followed a most unhappy state of affairs, when Chatham was nominally Prime Minister, but was so incapacitated by suppressed gout that he could take no part in public business, still less exercise any control over his ill-arranged and discordant Cabinet. If Chatham's acting lieutenant, Grafton, had but possessed sufficient force of will and fixity of purpose to control his colleagues, all might have gone well. Grafton was imbued with a genuine respect for old Whig principles and with a generous loyalty towards his absent chief; but his influence was fatally undermined by the looseness of his private life and by his incapacity for continuous application. The result was that the Chancellor of the Exchequer, Charles Townshend, had virtually a free hand in the questions of colonial taxation. He had been a member of the Cabinet with Grenville, and had supported his colonial policy. That alone would have made him an object of suspicion to the Americans and their friends. Not only were his views out of harmony with those of Chatham, but he made no secret of his contempt for Chatham's authority. In 1767 he introduced and carried through Parliament a bill imposing duties on tea and other commodities when imported into the colonies. In thus taxing colonial trade the Ministry were not introducing any new principle. But the proceeds were to be employed in making an American civil list; and, as we have seen, Massachusetts had continuously and successfully resisted every attempt to make colonial officials directly dependent on the home government. Moreover, a measure which at another time might have gone almost unnoticed was sure to be resented when colonial feeling was still sore from the effect of the Stamp Act and the Declaratory Act.

Massachusetts at once met this new attack on colonial liberty, as it had met the Stamp Act, by an appeal to the whole body of colonies. A circular letter was drawn up by the Assembly of Massachusetts and sent to each colony. Thereupon Lord Hillsborough, the Secretary of State, sent instructions to Bernard, the Governor of Massachusetts, to dissolve the Assembly unless it would withdraw the circular letters. This they refused to do, and Bernard thereupon dissolved them. They

continued, however, to sit as a convention, having indeed no legal status but being equally effective, possibly for that very reason more effective, as a means of expressing and guiding popular feeling.

At the same time other events took place at Boston, not important in themselves, but acting as irritants in an already morbid condition of affairs. A sloop named the *Liberty*, belonging to John Hancock, a leading merchant in Boston, who afterwards played a somewhat conspicuous part in the Revolution, was seized by the Custom House officers, on the ground that her master had landed a cargo of Madeira wine, declaring and paying duty only on a portion of it. To prevent a rescue, the sloop was anchored close to a King's ship, the *Romney*, which was in the harbour. A riot followed in which the Custom House officers were maltreated. The select-men of the town then summoned a meeting. The meeting, with a dexterity which marked these proceedings throughout, avoided expressing direct approval of the rioters, but passed resolutions declaring that taxes had been imposed unconstitutionally and payment enforced by armed violence, and they petitioned for the removal of the man-of-war. There could hardly have been a better instance of the act of fostering a spirit of lawlessness while avoiding responsibility for any breach of law. Nor did the governor feel himself strong enough to make any attempt at bringing the rioters to justice.

This was not the only open and successful defiance of authority. In July, 1768, Lord Hillsborough, alarmed by the reports which Governor Bernard sent home, ordered two regiments to be sent from Halifax to Boston. Bernard claimed the right to quarter the troops in the town. The Council, of which a majority was now hostile to the governor, declared that quartering troops on private citizens was only allowed when there was no barrack accommodation. The difficulty was got over, not by forcing the troops on the inhabitants, but by hiring quarters. The arrangement was no doubt in the interests of peace; but there remained the fact that the authority of government had been successfully defied.

As we have seen, the Assembly, though deprived of legal power, continued to sit as a convention. On the transparently false plea of a possible French invasion, the town-meeting passed a resolution requesting all inhabitants to furnish themselves with fire-arms. It is even said that Otis and others went so far as to collect a supply of arms ready for distribution. It is hardly too much to say that the town of Boston, without formally throwing off the authority of the Crown, was building up a *de facto* government which, for all practical purposes, superseded that which existed *de jure*.

On the 3rd of March, 1770, took place that incident called, with somewhat grotesque magniloquence, the Boston Massacre. Various displays of ill-feeling between the townsmen and the soldiers culminated

in an affray in which the soldiers fired on the mob and killed three of them. Preston, the officer in command, and the soldiers were tried for murder. Preston was acquitted, as there was no proof that he had given the order to fire. Two of the soldiers were found guilty of manslaughter. It is neither possible nor practically important to apportion the blame of this occurrence. Where there has been for months a persistent exchange of expressions of ill-feeling, a trivial incident for which neither party is to blame may lead to an outburst of violence. Far more important and interesting is the attitude of the Boston populace and their leaders. In a worse disciplined and organised community there would have been an outbreak of something like civil war. Instead of this, a town-meeting was at once held in orderly fashion, and a deputation sent to demand the removal of the troops from the town. To this Hutchinson, who had now succeeded Bernard as governor, after some pressure consented. It is also to be noticed that no vindictiveness was shown towards Preston, and that two leading members of the popular party, John Adams and Josiah Quincy, acted as counsel in his defence. At the same time everything was done, not to inflame the passions of the populace, but to instil into them an abiding sense of injury and distrust. In the following and in each successive year the anniversary of the "Massacre" was celebrated by an oration, designed to inculcate a belief that military brutality was a necessary incident in British rule.

Meanwhile there were important political changes in England. In the autumn of 1767 Townshend had died. Shortly afterwards Chatham retired, and Grafton became the recognised head of the Ministry. Townshend's place, as Chancellor of the Exchequer, was filled by Lord North. The Cabinet were resolved to adopt a conciliatory policy towards America, but differed as to the length to which such conciliation should go. Grafton and one of his principal colleagues, Shelburne, were for a total repeal of Townshend's colonial taxes. North was for retaining the tax on tea as an assertion of right; and his view prevailed in the Cabinet, though only by a single vote. It was on the 1st of May, 1769, that the Council, while repealing the other duties, decided to retain that on tea. In the following January Grafton resigned. With all his infirmities of character, his departure was, in what concerned the colonies, a loss. His distaste for a coercive policy was no doubt in some measure the indifference of an easy-going voluptuary. But it also rested on a foundation of Whig principle, and it was the temper needed to deal with the colonies. Grafton was succeeded as Prime Minister by North. North's facile and placable temper was dominated by the stronger will of the King, who demanded from the colonies nothing short of unqualified submission. Thus North was in the unhappy position of having to administer, as far as he might with moderation and intelligence, a harsh and unintelligent policy.

The situation was complicated by the reappearance of Chatham, recovered and in opposition. As was said before, we can hardly credit Chatham with a complete and effective constructive policy, fitted to meet existing difficulties. Even if it had been possible to induce Parliament to grant the full demands of the colonists, Chatham's views would have hardly gone the length of such a concession; nor, on the other hand, is it likely that his influence would have induced the colonists formally to abate their demands. But it is a matter of mere curiosity to enquire what, in other circumstances, he might have done. As a matter of fact, his influence was now greatly weakened by his inability to co-operate continuously with any political allies — an inability due partly to an imperious temper, partly to intermittent outbreaks of illness which incapacitated him, mind and body.

The incidents of the next four years (1770–73) may be taken as a crucial test of the real attitude of the popular party at Boston. The repeal of Townshend's taxes was undoubtedly a step, though perhaps a clumsy and incomplete step, towards conciliation. Had there been any strong desire for continued union, every attempt would have been made to build on that basis. Those who directed and controlled popular feeling at Boston would have done their utmost to modify prejudices; they assuredly would not, as they did, have confined themselves to vague and general professions of loyalty, while using every trifling incident of maladministration as a means to keep alive ill-feeling. They may have been justified in such conduct; they may have had good reason to believe that the temper of the King and that of Parliament made lasting union impossible, except on terms which would have been fatal to the liberties of the colonies. But no one who recalls the incidents which followed can speak of the colonists as loyal subjects goaded into rebellion by persistent ill-treatment.

After the repeal of the duties imposed by Townshend, two years passed without any marked or definite change in the situation. But a dispute which arose over a question of no great importance in itself showed how far the colonial leaders had travelled beyond the attitude taken up even at the time of the Stamp Act. In 1771 the Governor of Massachusetts received instructions from the Crown that the salaries of the Commissioners of Customs were not to be taxed. Accordingly, when a bill was passed by the Assembly containing such a clause, he refused his consent. The Assembly remonstrated, and in their remonstrance used the words, "We know of no Commissioners of His Majesty's Customs nor of any revenue His Majesty has a right to establish in North America; we know and we feel a tribute levied and extorted from those who, if they have property, have a right to the absolute disposal of it." Five years earlier no responsible person speaking in the name of the colonists would have denied the right of the Crown to levy duties on trade.

At the same time it must be granted that the British government was not always forbearing or duly anxious to avoid making opportunities of strife. It was an ill-chosen time for asserting the principle that the governor and the judges should receive their salaries direct from the Crown and not from the Assembly, though it might well be that in the existing state of feeling such a measure was temporarily required. It was an equally ill-chosen time for asserting and maintaining with special stringency the right of the Crown to a monopoly of ship-timber. Moreover, though Hutchinson was, according to his lights, as loyal to his native state as any of the so-called patriots, yet he had none of the arts by which administrative difficulties are smoothed over, and could never rise above an exact and technical interpretation of the system under which he had to act.

An incident which took place in the year 1773, and in which Hutchinson was conspicuously concerned, was perhaps the most discreditable to the popular cause of all that took place during the struggle. Hutchinson and others had written letters to Whately, an English member of Parliament, setting forth their views on the state of affairs at Boston. Some of the letters contained such querulous denunciations of the colonists as might be expected from officials with no wide political outlook. There was not in Hutchinson's own letters a single expression which went beyond what he had plainly and openly avowed in public. These letters came into Franklin's possession, and were forwarded by him to his friends in Massachusetts. The conduct of Franklin in obtaining possession of these letters was then and has been often since severely censured. The whole tenor of Franklin's life shows him to have been a man with no delicate sense of honour; and there are other incidents which prove that in what he believed to be a good cause he could be unscrupulous in his choice of means. But what is strange is that while Franklin has been freely condemned, little blame has ever been assigned to the far worse conduct of his allies in Massachusetts. Their use of the letters was shameless in its dishonesty and merciless in its cruelty. They were not at once made the subject of a formal indictment of the writers. Had this been done, Hutchinson would have had no difficulty in proving how innocuous was his own share in them. But they were privately circulated among a few persons; vague rumours got about that the governor was at the head of a conspiracy against the liberties of the colony; and, by the time that the letters were formally laid before the Assembly, public opinion had been so warped and prejudiced that impartial enquiry was impossible

The result of the public production of the letters was a petition from the Assembly of Massachusetts to the Crown for the dismissal of Hutchinson and of Chief Justice Oliver. This petition was referred to a Committee of the Privy Council, and the petitioners were heard by counsel, while the solicitor-general, Wedderburn, watched the case on

behalf of the Crown. His attitude was that of an unscrupulous partisan, prosecuting Franklin for theft. Franklin's conduct may have been dishonourable; but some consideration was due to one who had spent his life in the public service, who had been a laborious and devoted friend to America, and assuredly not a disloyal citizen of Great Britain. In alienating him, Wedderburn was alienating one who could do invaluable service as the representative and mouthpiece of colonial opinion in its less violent form. But Wedderburn was restrained neither by decency nor by policy. Himself the shiftiest of politicians, the most unscrupulous of self-seekers, he could not urge the plea of being carried away by moral indignation. The temptation of letting off rhetorical fireworks and displaying powers of sarcasm overpowered all sense either of propriety or policy. The Privy Council, by its approval of his conduct, degraded itself from a judicial tribunal into a body of partisans; and, when Franklin left the meeting, the loyalty which the events of the last six years had been undermining was finally shattered. Henceforth, as his writings plainly show, his attitude towards England was one of dislike and contempt, kept in check only by considerations of what was expedient for America.

There is a certain irony in the fact that one of the most serious incidents in the whole course of the colonial dispute, and one which perhaps more than any other precipitated the conflict, was due to what can hardly be called an administrative blunder. A Bill for the relief of the East India Company was introduced by Lord North in 1772, and somewhat extended in 1773. On neither occasion does it seem to have met with any opposition. The Bill provided that the East India Company might export tea to America direct, without passing through an English seaport, and that if it was landed in England and re-exported to America the duty, a shilling on every pound of tea, should be remitted. The measure was no doubt primarily designed for the good of the East India Company, but it was also a substantial benefit to the colonies. Before Townshend had imposed his tax the total duty on tea imported from the East to America was a shilling a pound. It was now to be only threepence a pound in America; and the tea could therefore be sold proportionately cheaper. It is to be observed that this benefit was limited to the British colonies in America. There can be no doubt that North intended the measure as a conciliatory one; and, but for the preceding disputes, it would have been accepted as such. But the colonists had come to regard the fiscal system adopted towards them as part of a comprehensive attack on their liberties. They coupled the question of taxation with the declared project of a civil list and with the rumoured project of an episcopate. It was immaterial, from their point of view, whether a special incident of taxation pressed a little more or a little less hardly.

Thus the very measure which was designed to promote peace

furnished the anti-British party in America with the opportunity which they wanted of making a hostile demonstration. Hitherto there had been no special motive for the tea-dealer to force upon the colonies a commodity which they received with disfavour. In the autumn of 1773, cargoes of tea were exported by the East India Company to Boston, New York, Philadelphia, and Charlestown. At none of these ports was the tea allowed to be sold; but, except at Boston, the colonists were content to put such pressure on the venders as to induce them to withdraw the tea. In this case, however, as throughout the struggle, Boston gave the signal for definite and forcible resistance. When the arrival of the tea-ships was imminent, town-meetings were held, at which the persons to whom the tea was consigned were asked to resign that charge. On their refusal, a riot ensued, and the house of one of the consignees was destroyed. The governor endeavoured to induce the Council to take special steps for keeping the peace, but in vain. When the first ship actually appeared, a town-meeting was summoned. In the notice calling it, the tea was denounced as "the worst of plagues," and its introduction as the "last, worst, and most destructive measure of administration." Another unauthorised notice was posted, stating that to allow the tea to be landed would "betray an inhuman thirst for blood," and that "those who made the attempt would be considered and treated as wretches unworthy to live, and be made the first victims of popular resentment." The fable of the wolf and the lamb has seldom found a better illustration. A meeting was held, at which not only the citizens of Boston but men from the neighbouring towns attended; and a resolution was passed, prohibiting, as if by legal authority, the landing of the tea.

The best solution undoubtedly would have been the departure of the obnoxious vessels. There were in truth only two courses which the government could with any safety adopt. The one would have been to be prepared with such armed forces as could suffice to put down any riot. The other was to leave the colonists without a rational grievance and then enforce authority. Unhappily the return of the vessels was hindered by legal technicalities. The goods, having once entered the harbour, could not leave it till they had paid the Customs duty; and this they could not do without being landed. One would have supposed that, when the process of landing was rendered impossible by a display of violence, it might have been dispensed with, so long as all the other legal forms were observed. Even the refusal of the Customs officers need not have been final, since it might have been overridden by a special permit from the governor. He refused, however, on the very pedantic plea that his oath of office bound him to carry out the revenue laws, and that these would be broken if he permitted a vessel to evade the Customs regulations. The regulations also required that the cargo should be landed and duty paid on it within twenty days of the ship reaching the port.

The popular leaders were determined to anticipate such a possibility. A mob disguised as Indians took possession of the vessels and threw the whole of the cargoes into the harbour (December 16, 1773).

Two features of this affair are specially worthy of notice. The action of the town-meeting was virtually a claim to override the established government. If the tea had been landed, there was not the smallest compulsion on any individual citizen to consume it. The whole of it might have been left to rot in the warehouses of the consignees. The town-meeting claimed the right to restrict individual liberty of action, and to prohibit individual citizens from consuming a certain article and paying duty on that article even when they wished so to do. At the same time the tea riot illustrated most effectively the control which this *de facto* government could exercise. From first to last, Samuel Adams and those who acted with him in directing the action of the mob never suffered it to get out of hand.

One can hardly suppose that any citizen of Boston expected the home government to pass over such an outrage as the tea riot. In March, 1774, Lord North proposed certain penal measures. One was to close the port of Boston, and transfer all its rights to Salem, till compensation had been made for the destruction of the tea. Appointments and renewal of judges, justices of the peace, and other minor officers were to be vested in the Crown. Offenders might, at the discretion of the Crown, be removed to England for trial. At the same time the resignation of Hutchinson gave the home government the opportunity of consolidating military and civil authority by the appointment of General Gage as governor. Gage had the misfortune to be denounced by the King for mildness, and by the colonists for tyranny. As a matter of fact Gage seems to have been a respectable official, intelligent enough to understand the difficulties with which he was confronted, but not vigorous or independent enough to face them effectively.

Since the repeal of the Stamp Act, American affairs had awakened no great interest in the House of Commons. Now, however, each of North's punitive measures was the subject of a long and hardly-fought debate. A lack of definiteness and a failure to recognise the patent facts of the case or the general principles of colonial administration run through the whole discussion. This is true alike of the Ministry and of the Opposition. North and his supporters argued as if they had before them a disorderly town, not a continent on the brink of civil war. As essays on the general principles on which dependencies should be governed, Burke's speeches on this and later occasions are admirable. They are not altogether satisfactory as solutions of the administrative difficulties in which the country had been landed by the factiousness of subjects and the ignorance and misjudgment of rulers.

North's majority was enough to carry all his measures without

difficulty. But, as each month passed, events were making it more clear that the cause of Boston was the cause of the whole body of colonies. The day on which the Act for closing the port of Boston came into force was kept as a fast-day in Virginia and other colonies. Virginia and Maryland resolved to export no tobacco. The former colony helped Boston with a public contribution of corn, South Carolina with one of rice. From almost all the colonies came words of approval and encouragement.

The resistance to the Stamp Act had, as we have seen, given birth to a policy of corporate action on the part of the various colonies. No attempt had been made in the meantime to revive such a movement; but the subject had not been overlooked or forgotten. In the autumn of 1773 two letters appeared in the *Boston Gazette*, which were known to issue from the pen of Samuel Adams. The first set forth the necessity for a Congress; and it is noteworthy that the expression used was not a Congress of "Colonies," but of "States." The Congress was to draw up a Bill of Rights; it was to be an annual institution, and was to have an ambassador at the British Court. In the second letter the question was asked, "How shall the colonists force their oppressors to proper terms?" And the answer is, "Form an independent State or American Commonwealth." In estimating the policy of British statesmen towards the colonies we must never forget that those words had been written by one who was no mere rhetorician, but one of the subtlest, the most patient, and the most persistent of organisers.

For more than a year Committees of Correspondence had been established to enable the colonies to concert measures of resistance. These committees were now employed to call into existence a Congress, to which all the colonies, Georgia excepted, sent delegates. Gage endeavoured to prevent the Assembly of Massachusetts from electing representatives to the Congress, and refused to approve of a vote of money from the public chest for their expenses. The Assembly, however, locked its doors and completed the election before Gage could intervene, and raised the necessary funds by a special rate. It is clear that in other colonies there was no regular and definite process by which the members of Congress were chosen, nor any precise qualification for voters. That this should have passed unchallenged is a strong proof of that lack of purpose, of organisation, and of method, which throughout the whole struggle characterised the supporters of the British government in America.

The proceedings of the first Congress, which met in 1774, are fully recorded by John Adams, who was one of the Massachusetts delegates. He tells how in New York he and his colleagues were warned not to alarm the southern delegates, who were prepared to regard the New Englanders as dangerous incendiaries; how they acted on the hint and modified their language, with the result that they were set down as

half-hearted cowards. At the very opening of the Congress a striking incident illustrated Samuel Adams' tact and self-restraint. Strongly opposed though he was to the Church of England, yet, in order to conciliate Episcopalians from the middle and southern colonies, he moved that prayers should be read by Jacob Duché, a clergyman of that persuasion.

It was found difficult on later occasions to induce the best men to detach themselves from the business of their own colonies and to take a part in Congress. The first Congress suffered from the opposite complaint. Each colony sent its ablest and most energetic men, with the result that members were at times reluctant to be mere listeners. It is clear that the discussions which ensued suffered somewhat from that vagueness which is apt to beset a body discharging no executive functions. The main value of the Congress was to declare to the world the united purpose of the colonies, and to enable the representatives to understand one another and acquire habits of co-operation. Above all, its action effectively checkmated North's policy of isolating Massachusetts. It extended the field of battle from Boston to the whole continent.

The Congress found itself at once brought face to face with the standing difficulty which attaches to every form of federal action. Were all the States to be on an equality, or were their voting powers to be proportioned to their numbers? And, if so, was the slave population to be reckoned? Finally, it was resolved that the States should vote as equal units, but that this should not be regarded as a final settlement. The Congress addressed a petition to the King, and a memorial to the people of Great Britain, setting forth the hardships inflicted on the colonies and promising loyalty if only redress were granted. Taken by themselves, these documents offered a perfectly satisfactory basis for agreement. But unfortunately they had to be taken in conjunction with the revolutionary speeches of Warren and Henry, with the persistent determination to make the most of every trifling official error, and with the uncompromising attitude of resistance taken up by Massachusetts. The Congress also drafted an address to the people of Canada. In this the Act recently passed by Parliament for the government of Canada was denounced because it did not give full civil rights; and an appeal was made to the Canadians to make common cause with the colonists.

While Congress was still sitting a public meeting was held at Suffolk, near Boston, at which certain resolutions were passed which went further in their defiance of British authority than any formal or authorised declaration had yet gone. They declared that "no obedience was due to the recent Acts of Parliament"; and these were denounced as "the attempts of a wicked administration to enslave America." If any political arrests were made, government

officials were to be seized in retaliation. Not only were these resolutions passed, but they were transmitted to Congress, and approved by that body. We may doubt whether they really expressed its views, but here, as usual, unity, organisation, and definiteness of purpose gave the minority a victory over half-hearted opponents.

Nevertheless Joseph Galloway of Pennsylvania, who may be regarded as the leader of the moderate party, brought forward a scheme for conciliation. He proposed to call into existence a Grand Council, elected for three years by the various colonial legislatures. The President of this body was to be appointed by the King, and to hold office during his pleasure. Either the Council or Parliament might initiate legislation for the colonies, but both must approve. The scheme was not wholly unlike that proposed twenty years earlier by Franklin. Apart from its practical merits or defects, it was quite certain that the time was quite unfit. Such a project might possibly have worked had there been a strong general desire for co-operation. In an atmosphere filled with suspicion and ill-will it was inevitably doomed to failure.

In the autumn of 1774 a general election took place in England; and on November 1 a new Parliament met. American affairs were naturally the all-absorbing topic. The measures proposed by Lord North showed that he understood that he was no longer faced by the disaffection of Massachusetts alone, but by that of the whole body of colonies. The military forces in America were to be strengthened; and all the colonies, New York, Delaware, and North Carolina excepted, were to be cut off from the American fisheries and from trade with the mother-country.

The policy of the Ministry was met in both Houses by counter-proposals of conciliation. A bill was introduced into the House of Lords by Chatham, taking up a line similar to that adopted by the Rockingham Whigs when they withdrew the stamp duty and passed the Declaratory Act. The bill affirmed the right of Parliament to control the colonies in matters of trade, and also to quarter soldiers on the colonists. An elective body representing the colonies and constituted on the same lines as the present Congress was to be called into existence, and was to make a free grant to the imperial exchequer. The proposal was open to two obvious objections. Like Galloway's scheme, it could only work where there was a genuine wish on both sides for co-operation, not when they approached the question with mutual aversion and distrust. Moreover, the division between internal taxation and commercial regulation could never be drawn with exact precision. Nevertheless, the respect due to the name and authority of Chatham, and the importance of fully considering at such a crisis every possible remedy, should have saved the bill from rejection on the first reading.

In the House of Commons, Burke and David Hartley moved resolutions on the same lines as Chatham's scheme, proposing to leave the question of taxation entirely to the colonists themselves. No one now

can doubt that this would have been treated by the colonists as a total abandonment of all fiscal rights; it virtually meant the final overthrow of that commercial and colonial policy which had hitherto been unquestioned on this side of the Atlantic. To have frankly adopted this attitude would no doubt have saved Great Britain from much loss and humiliation; but Burke's position would have been logically stronger if he had treated his proposal as one not of compromise but of surrender. He would have shown better judgment had he accepted, as a basis for legislation, the conciliatory proposals made by North himself.

In February, 1775, the Prime Minister proposed in the House of Commons that any colony which would make such a contribution for the purposes of common defence and civil government as should satisfy Parliament should be exempt from taxation. This concession was so distasteful to North's own followers that it was only carried by a rigid application of party discipline. Yet it did nothing to pacify the Opposition. There could be no stronger illustration of the evils of the party system than the fact that North's scheme was contemptuously condemned by the Opposition, instead of being treated as a genuine though ineffectual attempt at a pacific solution.

While Parliament was discussing suggestions for compromise, the colonists had taken steps which effectually rendered all such solutions impossible. Gage, alarmed by the tone of the Suffolk resolution, refused to call together the Massachusetts Assembly; but an elective Congress, constituted precisely as the Assembly would have been, met at Salem (October 5, 1774). That its members should pass resolutions severely denouncing the policy of the British government was a matter of course. They also protested against the preparations which Gage was making for fortifying Boston against an invasion from the mainland. They took steps for raising public funds, for providing fire-arms and military supplies, and for securing the alliance of the Indians. Outside the Congress a reign of terror had been organised, under which all who ventured to express any approval of the British government were liable to brutal and humiliating punishments.

Massachusetts, though still first, was no longer alone in its display of overt disaffection. There was hardly a colony in which British authority was not openly challenged. In New Hampshire a mob seized the whole supply of arms and ammunition stored in the fort. In Rhode Island the governor and the Assembly in conjunction, and in direct contravention of an order from the British government, took steps to prevent such cannon as there were in the colony from coming into the hands of British officers, and further proceeded to raise and arm troops. In Connecticut the Assembly appointed officers for the militia, and enforced regular drills by fines for non-attendance. In Maryland a convention had pledged the colony to resist any attempt by the British government to carry out the recent Acts in any colony and

had recommended in general terms the organisation and arming of the militia.

The conditions of life in the southern colonies made it impossible for public opinion to express itself with the same promptness and uniformity as in New England, or for a majority to force its will on a minority with equal effectiveness. But in her resentment of administrative interference, and especially of financial interference, Virginia was not one whit behind New England. Moreover, the governor of Virginia, Lord Dunmore, had irritated the colonists by what they regarded as his half-hearted conduct in regard to a campaign against the Indians in the summer of 1774. Virginia, too, had yet another grievance against the British government. Many of the best and wisest men in the colony, Henry among them, were becoming keenly alive to the social and economical evils of slavery, evils clearly seen and denounced somewhat later by Washington and Jefferson. In 1772 an address on this subject was presented to the Crown. The British government unhappily showed no desire to co-operate with the colonists in the endeavour to check the evil. In Patrick Henry, Virginia had a leader who could at once inspire and organise. As a speaker he constantly pressed his rhetoric to the verge of extravagance, yet never lost his grasp of concrete facts. Behind the appeal to sentiment there was always some definite incitement to action. The speech which he addressed to the Virginian Convention in March, 1775, was virtually a declaration of armed rebellion. He proposed that a force should be raised, not as a mere measure of precaution or in any hopes of securing better terms by a show of resistance, but because, in his own words, "we must fight."

Three colonies alone, New York, Georgia, and North Carolina, were exempted from the punitive measures of Lord North's government. The poverty and barbarism of North Carolina and Georgia made their adhesion a matter of no great moment to either side. But, if Great Britain could hold New York with its wealth, its noble harbour, its central position, and its command of the Hudson, the cause of colonial resistance would be seriously crippled. There had always been a lack of strong corporate feeling among the people of New York; and in no colony had habits of luxury and love of wealth taken so firm a hold. The Assembly of New York refused in 1774 to be led by the action of Congress, or to acknowledge the services of the delegates there, and declined to elect delegates for the next Congress. The adjacent colonies, New Jersey and Pennsylvania, had accepted the resolutions of the Congress, and had thus put themselves outside the pale of exemption. Pennsylvania, indeed, might be regarded as specially guilty, since the Congress had met within her boundaries. Yet that old Quaker spirit which, coupled with meaner motives, had repeatedly held back Pennsylvania and New Jersey from military co-operation, was still at work. Thus it seemed as if, in the

struggle which was now inevitable, the whole territory between the Hudson and the Chesapeake might be a stronghold of British authority.

It would be rash to assume that at this stage the disaffected were the majority even in those colonies which were foremost in opposition. But it is clear that they had that ascendancy of will and that superior form of organization, which enable, if they do not entitle, a section to speak in the name of the whole community. This was plainly shown by the reception given to Lord North's scheme of conciliation. It was duly submitted to the various colonial assemblies: not one of them showed any inclination to accept it favourably.

But by the time when North's proposals reached America, even if the other colonies had been willing to receive them favourably, the action of Massachusetts had wholly altered the situation. On February 26, 1775, Gage sent out a party to seize some cannon at Salem. It was needful for the troops to cross a drawbridge. The country people assembled and held the bridge against the troops, and scuttled the only boat available. At length, persuaded by a peace-loving clergyman, the crowd gave way and allowed the bridge to be lowered; but it was then too late in the day for the troops to follow up their attempt. Nearly two months passed without any overt act of hostility. On April 19 Gage, hearing that the colonists had collected a large supply of arms and ammunition at Concord, twenty miles from Boston, sent out two detachments, making 1800 men in all, under the command of Lord Percy, to capture these stores. The arrangements of the colonists for spreading an alarm through the colony, on learning the movements of the royal troops, were thoroughly well-organised and effective. At Lexington, about four miles short of Concord, the soldiers found an armed force drawn up to resist them. A skirmish followed, after which the provincials fell back and dispersed, but resumed the attack nearer Concord. One British detachment, however, kept the enemy in check, while the others destroyed the stores. This they accomplished, but they had immediately to endure another vigorous attack. As Percy marched back to Boston, armed provincials kept pouring in from all parts of the country, taking their places with that readiness and unpremeditated discipline which was largely the secret of the American success throughout the war. Hot and weary, the heavily accoutred regulars toiled along the road, harassed by an incessant fire from houses, walls, and hedgerows, and, when they reached Boston at sunset, they had lost 65 killed, and 185 wounded. The provincial loss was estimated at about 50 killed and somewhat fewer wounded.

A few days later the colonists struck another blow even more decisive in its immediate effect. A party of volunteers numbering about 150, without any sort of formal commission, though not without the knowledge and approval of the government of Connecticut, succeeded in surprising the strong and well-armed fortress of Ticonderoga,

the key to Canada, won at heavy cost from the French. This was followed immediately by the capture of the small subsidiary post of Crown Point.

Before the news of any of these reverses had reached England the Ministry, alarmed by Gage's reports, had taken steps to strengthen their military position at Boston. Gage was superseded by Sir William Howe, who took out with him reinforcements bringing his whole command up to 10,000 men. Howe and his troops reached Boston about the middle of May, 1775. By that time the second Continental Congress was in session at Philadelphia. Their treatment of North's proposals is an effective answer to those who speak of the colonists as loyal and submissive subjects, goaded into rebellion by a Ministry who turned a deaf ear to every reasonable complaint. The task of drafting a reply was entrusted to Thomas Jefferson, a young Virginian, who was perhaps more than any other of the popular leaders under the dominion of abstract beliefs in the rights of man. His answer was a rhetorical onslaught on the British government, calculated to fill with despair any one who had any real desire for compromise and peace. To assert any right of taxation was "to leave us without anything we can call property." Not one word was said of the many provocations received by the mother-country. The isolated and irresponsible utterance of a half-mad country member, Van, who said of Massachusetts "*Delenda est Carthago*," was quoted as expressing the sentiments of the Ministry. On that principle it might have been argued that the American Congress had not merely condoned but advocated armed rebellion a hundred times over. It may well be that North's scheme, as it stood, did not offer any practical solution. But at least it offered a basis for negotiation. The best justification that can be offered for the action of the colonists no doubt lay in the character and antecedents of the King himself. The colonists might feel, much as the Parliamentarians felt respecting Charles I, that the royal conception of public morality and of the relations between sovereign and subject made negotiations impossible. It was in this spirit that Congress drew up vehement and rhetorical appeals for sympathy and support, addressed to the people of Ireland and of Jamaica. To make a general attack on the whole fabric of the British empire was virtually to declare that all desire for reconciliation was at an end.

One incident of the Congress was thoroughly characteristic of the temper shown on each side, of the desire of the rebels to comply with, so far as possible, and to utilise constitutional forms, and the ineptitude of the loyalists in letting slip opportunities of protest and resistance. When Congress met, one representative appeared from Georgia, elected not by any representative convention of the colony, but by one parish. Congress, after considering his claim to membership, decided that he might attend and take part in the deliberations, but might not have any voice in the decisions. Georgia plainly was not unanimous. Yet

we can trace no attempt by the loyal party to protest or to organise any opposition to Congress.

The great work of the second Congress was the raising of a continental army. The Congress boldly announced the existence of some kind of confederation. The colonies were spoken of in formal resolutions as "united" and "confederated." But the nature of the federal tie and the machinery which was to give it effect were left wholly undetermined. No doubt the Congress was wise in taking that course. Time urgently needed for other purposes would have been ill-occupied in debating on the form of a federal union. The Convention of Massachusetts took an important practical step by placing the forces of that colony under Congress, and thus forming the nucleus of a continental army. This was supplemented by raising further troops. Pay was provided for by the issue of bills of credit to be redeemed by the twelve colonies, exclusive of Georgia. What amount was to be redeemed by each colony individually, and when such redemption was to take place, were questions left open for the present. The tendency to independent and disconnected military operations was kept in check by an order that no colony was on its own responsibility to attempt any operations against Canada.

But by far the most important act of Congress in its immediate and even more in its ultimate results was the choice of Washington as commander-in-chief. That choice was no doubt in a great measure determined by considerations other than personal fitness. If the southern colonies were to take their full share of interest in the struggle, it was clear that it must not be left to a New England army under a New England general. But we may be sure that the choice, desirable in itself of a southern general, was made much easier by the presence of a southern candidate so specially fitted for the post as Washington. Not indeed that his fitness was or could be as yet fully revealed. Intelligence and public spirit, untiring energy and industry, a fair share of technical military skill, and courage almost dangerous in its recklessness — all these were no doubt preceived by those who appointed Washington. What they could not have foreseen was the patience with which a man of clear vision, heroic bravery, and intense directness, bore with fools and laggards and intriguers; and the disinterested self-devotion which called out all that was noblest in the national character, which shamed selfish men into a semblance of patriotism and factious men into a semblance of union. Still less could it have been foreseen that, in choosing a military chief, Congress was training up for the country that civil leader, without whose aid an effective constitution would scarcely have been attained.

While Congress was sitting, the troops whom Washington was to command had taken the first step in the transition from an undisciplined mob to a seasoned army. To understand the battle of Bunker Hill it is

necessary to know the physical changes which Boston and Charlestown have passed through. Each at the time of the Revolution was separated from the mainland by a narrow isthmus which could easily be defended. Successive reclamations from the sea have widened each isthmus to many times its original dimensions; and Boston Neck has to be sought for imbedded amid streets and houses. Bunker Hill, too, has been lowered, and no longer commands the surrounding ground as it formerly did.

Gage had effectually guarded Boston Neck. But so completely was the town dominated by Bunker Hill that the occupation of that height was absolutely necessary to the safety of the town. There had now gathered together on the mainland a large force of men, whom the Massachusetts Convention had placed under the command of Artemas Ward. He was old and inactive, and it was probably well for the colonists that their laxity of discipline allowed his younger and more vigorous subordinates a large share of initiative. On June 16, 1775, the Americans learnt that it was the intention of the enemy to secure Bunker Hill. Thereupon a force of colonists crossed Charlestown Neck under cover of night, and threw up a redoubt about a foot high on the summit of the hill. The weak and, as it ultimately proved, fatal feature of the defence was the inadequate supply of powder. Bayonets, it hardly need be said, formed no part of the American equipment, nor could untrained men have used them. Two methods of dislodging the enemy from the hill were open to the British. They might make a direct attack from the east, or they might endeavour to cut the communications connecting the advanced force on Bunker Hill with the main body on the mainland; but the latter course would have exposed them to an attack on each flank, and on one from a largely superior force. Probably the safest method would have been to rake the Neck by a fire of gun-boats on each side, while the artillery in the town played on the hill.

The British commanders, however, probably underrating the tenacity of their opponents and their skill as marksmen, decided to dislodge them by a direct attack. About mid-day on June 17 Howe landed on Charlestown peninsula with about 1600 men. After measuring the strength of his enemy, he sent back for reinforcements; and these brought his whole force up to about 2200, with which he proceeded to attack. The British force were encumbered by the standing hay through which they had to march, and by their ponderous accoutrements. Twice they climbed the hill, and twice they fell back before the fire of their opponents. Officer after officer fell; and Howe, who himself led the attack, was left alone near the enemy's works. A third time, leaving their knapsacks behind, the British troops renewed the attack. Had the Americans been supplied with powder it is hard to say how the day might have ended. As it was there was no course open to the colonists but retreat. With raw troops a retreat usually becomes a rout. In

this case the British were too much exhausted to press the enemy effectually; and the main body of the provincials, on whom the defenders retreated, were close at hand. But they were harassed in their passage of the Neck by a flanking fire; and that they should have crossed it in good order is no slight proof of their instinctive discipline and self-control.

The British loss was reckoned at 226 killed, and 828 wounded; the American at 150 killed, and 300 wounded. Gage was under no delusion as to the lessons to be learnt from the battle. His letter to the Secretary of State a week later contained these words: "The rebels are shown not to be the disorderly rabble too many have supposed. In all their wars against the French they have showed no such conduct and perseverance as they do now."

Next to Massachusetts, Virginia had been the chief stronghold of disaffection, and it was now the next colony to take up arms. The governor, Dunmore, had lately increased his unpopularity by reporting to the home government that the disaffection of the colony was largely due to the financial embarrassments of the planters. He had also, as a measure of precaution, removed the gunpowder from the public magazine at Williamsburg and placed it on shipboard. With Henry and his allies openly inciting to violence, and with other colonies in arms, this was no more than a needful measure of precaution; yet it was treated by the Assembly as an act of high-handed tyranny. In June, 1775, Dunmore, finding that the Assembly refused even to consider North's scheme, and learning that Henry was in the field at the head of a large armed force, withdrew from Williamsburg. After some disputes with the rebels, he set up the royal standard, proclaimed martial law and promised liberty to any slaves who would join him. Finally, on December 8, he despatched a force against the rebels, which was repulsed. He then went on shipboard. After some desultory operations, in which the town of Norfolk was burnt and much injury inflicted on the river-side plantations, Dunmore and his followers sailed to New York. For the destruction of property it is clear that both sides were in a measure to blame; but, in the existing state of opinion, it was certain that the whole discredit of it would fall on Dunmore and the British government. A somewhat similar incident took place in New England in the following October. A British vessel bombarded and wholly destroyed the town of Falmouth, on the coast of Maine. In the two Carolinas the symptoms of rebellion were so alarming that the governors of both provinces took refuge on British ships.

We have already seen how the unauthorised action of a party of volunteers had placed the Americans in a position for a successful attack on Canada. The expediency of such measures might be doubted. If there was any hope of a peaceful solution still left, that hope must be seriously impaired, if not destroyed, by such an attack. In theory, no

doubt, an invasion may be merely a necessary measure of defensive policy. The recognition of the New England forces as a continental army and the appointment of a commander-in-chief were virtually declarations of war; and there was no essential difference between fighting in Massachusetts and fighting on the St Lawrence. But to the ordinary man taking obvious and superficial views, Bunker Hill would seem no more than resistance to local tyranny. It was practically certain that very few of those who wished to see Great Britain retain her sovereignty over the colonies in any form would continue their sympathy after British territory had been invaded. On the other hand, the leaders of the rebellion might well feel that the sooner the colonies were committed decisively and irrevocably, the better; and that a bold policy of aggression would be the most likely means of winning foreign support.

Yet the whole of their past history might well have warned the colonists of the magnitude of the task they were undertaking. It was no light matter to maintain communications and to arrange for supplies in such a country as that which separated the colonies from the St Lawrence. This difficulty was increased by the fact that the invasion was to be made by two separate forces starting from widely separated bases. The main body was to advance from Ticonderoga, capture Montreal and then descend to Quebec. This force, numbering 2400 men, was under the command of Richard Montgomery, a retired British officer, of great courage and personal attractiveness of character. He had served in the late war against France in Canada, and, having married a native of New York, regarded himself as an adopted son of that colony.

A smaller subsidiary force, 1100 in number, was to undertake the far more difficult task of following the Kennebec, then crossing the watershed and striking the upper waters of a stream which ran northward into the St Lawrence. This involved a march through more than two hundred miles of forest, where no supplies could be obtained and transport was a matter of great difficulty. This force was placed under the command of Benedict Arnold of New York, who had already done good service as a volunteer in the capture of an English vessel on Lake Champlain; and probably no leader could have been found better fitted to inspire men engaged in a desperate enterprise with fearlessness and confidence.

In September, 1775, the invasion was commenced. Everything went well for a while with Montgomery's force. The frontier forts of Chamblee and St John's, inadequately supplied and garrisoned, made but little resistance; and after their fall the British commander thought it prudent to evacuate Montreal. As might have been foreseen, the real difficulty lay with the eastern branch of the expedition. It did not start till the middle of September, and thus all the hardships and difficulties of the march are greatly increased. Moreover, the only means of

communicating with Montgomery was by Indian runners; and, either through their faithlessness or their blundering, the messages came into the hands of the British.

But few of the British commanders passed through the war without reputations for soldiership more or less impaired. Among these few was General, afterwards Sir Guy, Carleton, who was at this time Governor of Canada. That the American invasion failed was largely due to the promptness and energy with which he used the scanty military resources at his disposal, and perhaps more to the diplomatic tact with which he secured the loyalty of the Canadians. Warned of Arnold's presence by an intercepted message, he at once took vigorous measures; and, when the two American generals met on December 1 before Quebec, the town was in a good state of defence. Death and defections had reduced Arnold's force to 600. One New England regiment had deliberately turned back, if not with the approval of their officers, at least without any attempt at control; but we should perhaps rather praise the spirit of those who persevered through such hardships than blame those who failed. Montgomery had been compelled to distribute the greater part of his own troops as garrisons in the forts that he had taken; and thus the force at his disposal numbered only 900. To have brought up siege artillery would have been impossible: the only chance of success lay in a surprise or an insurrection on the part of sympathetic inhabitants. Carleton had baffled both these hopes. Small-pox broke out among the American troops; and some of the New England soldiers, whose period of enlistment was to be over at the end of the year, declared that they would not stay a day beyond their term. Small though the chances of success seemed, yet an assault was made, in which Montgomery was killed and Arnold severely wounded. The attack failed, but Arnold did not withdraw. He received some small reinforcements; and the garrison were content to remain on the defensive. At length the evacuation of Boston by the British set at liberty a portion of the besieging army; and Arnold received substantial additions to his force. But it was too late. The ice had melted on the St Lawrence; a British fleet was able to come to the relief of the town; and in June, 1776, the invading force withdrew, fighting in its retreat more than one unsuccessful engagement.

In another and a more important quarter the Americans fared better. During the autumn and winter of 1775 the English army pent up in Boston suffered great hardships. Not only did the besieging force effectively cut them off from the mainland, but no adequate steps were taken to protect the vessels that should have brought their supplies. Whale-boats, manned by the bold and dexterous seamen trained in the American fisheries, watched the harbour, and were suffered through the supineness of the British government to be masters of the sea. Dispirited and weakened by want of food and by disease, the garrison was unable

to make effective sallies ; and Washington was left in peace to drill his raw levies into adequate soldiership. Then, as throughout the war, his difficulty was to retain his civilian troops, eager to return to their farms or business the moment that the period contracted for had expired. Another evil from which the American army suffered was lack of ammunition. Nevertheless Washington succeeded, early in March, 1776, in occupying the heights to the south-west of the town, whence he was able to carry on a bombardment to which the British could make no effective reply. After enduring this for a fortnight, Howe decided to evacuate the town. He was able to provide a sufficiency of transports to carry off his army together with those inhabitants who, by their loyalty to the British cause, had incurred the vengeance of their countrymen. The British fleet, though it had not been able to check the isolated operations of American whale-boats, succeeded in guarding Howe's transports, which reached Halifax unmolested.

In England the friends of the colonists were still fighting a losing and, as it must now have seemed, a hopeless cause. In August, 1775, the delegates from Congress had reached England, armed with a petition or, as it might be more fitly called, a remonstrance, addressed to the King. It was hardly a matter for complaint if the Ministry refused to receive a petition from subjects who were actually raising troops against the Crown and countenancing men who had fired on the King's soldiers. Complaint at least did not fitly lie in the mouth of Congress, after their own refusal to consider seriously North's scheme of conciliation.

On October 26 Parliament met ; and the colonial policy of the Ministry was set forth in the King's speech. To the general announcement that the colonists would be dealt with vigorously as rebels was added the statement that it was intended to procure foreign troops to act against them. When that took the form of a definite ministerial proposal, it at once met with protest ; and, when the news reached America, it did much to exasperate the colonists and confirm their spirit of resistance. Indeed among the many errors committed by the English government in the prosecution of the war there was hardly any more harmful than the hiring of Hessian troops. It emphasised the fact that Englishmen no longer looked upon the colonists as fellow-subjects; while the anger caused by the misconduct of which some of the Germans were guilty, and the discredit which was thus brought on our army, far more than outweighed their military services.

Undeterred by the failures of the previous session, the friends of America still strove against the policy of the government. Burke in the House of Commons proposed a bill embodying a compromise. The formal question of the right to tax was not to be touched upon. In practice the right was to be abandoned, but commercial duties might be levied, the application of the proceeds being left to each individual colony. All the measures complained of by the Americans were to be

repealed, and an act of amnesty passed. In the House of Lords, Grafton, who had now left the Ministry, proposed that the colonists should be invited to embody their grievances in a petition, and that such petition should be considered by Parliament. It was not difficult for the supporters of the government to point out the evil of negotiating with armed rebels, and of condoning attacks on the King's troops and such an outrage as the Boston tea riot; and the government majority was too strong and solid to give either Grafton or Burke a chance of success.

The beginning of 1776 saw the area of war extended to the southern provinces. In North Carolina both the governor, Martin, and the Convention of the colony raised troops. Apparently the object of the loyalists was to get possession of Wilmington, the capital of the colony. On their way thither they were intercepted and defeated. In South Carolina the British cause fared no better. After the evacuation of Boston, General Clinton was instructed to take such measures as might seem expedient to advance the British cause in the south. It would have been a severe blow to the commerce and resources of the south if he could have obtained control over Charleston harbour. To do that it was necessary to get possession of Sullivan's Island, which commands the harbour on the south. The swampy character of the soil made a land-attack impossible. On June 28 a squadron of eight sail commenced a bombardment of the island. The fire produced no effect: one ship ran ashore and was burnt to prevent the enemy getting possession of her; and the attack was abandoned.

In May, 1776, the third Congress met at Philadelphia. Only a superstitious reverence for forms could any longer withhold the Americans from throwing off that allegiance which they had practically reduced to a nullity. The situation was not only anomalous but practically inconvenient. Congress was in its nature a transitory body, incapable of making any permanent contract, or of issuing any permanent command. We may be sure too that such astute and far-sighted men as Franklin and Samuel Adams had present to their minds the necessity of foreign alliances; and for these a permanent government was an absolutely requisite condition. Moreover a new influence was at work, by which colonial sentiment was not merely reconciled to separation but eagerly impelled towards it. Hitherto none but a few specially clear-minded and far-sighted men entertained more than a sense of isolated grievances and a vague desire for some relaxation of British control. The publication of *Common Sense* (1776) by Thomas Paine did much to give definiteness to these vague aspirations.

The instinctive conservatism of Englishmen did something to delay the result, but it was inevitable. The strength of the nationalist party lay largely in the fact that the moderate men had no ideal, at once definite, practicable, and satisfactory, wherewith to confront the scheme

of independence. Accordingly, on July 4, 1776, Congress passed the resolution which made the colonies independent communities, issuing at the same time the well-known Declaration of Independence. If we regard the Declaration as the assertion of an abstract political theory, criticism and condemnation are easy. It sets out with a general proposition so vague as to be practically useless. The doctrine of equality of men, unless it be qualified and conditioned by full reference to special circumstance, is either a barren truism or a delusion. But, though this limitation is not explicitly stated, it is present. We must judge the opening sentence with reference to what follows and to the actual facts present in the minds of those who drafted it. That sentence is little more than a formal preamble to what follows, namely to the statement of the wrongs which the colonists had suffered from their sovereign. No one now would accept that statement as a fair historical account of what had happened. Of the eighteen heads of indictment, each beginning "he has," there is hardly one which does not demand some modification or admit of some palliative. That part of the Declaration must be looked on as a criminal indictment drawn by an advocate, with just that lack of scruple which advocacy is generally held to justify. And though the assertion of human equality may have no exact or scientific basis, yet it is a description roughly correct of the theory which underlay the political life of the colonies, and which had been gradually separating them from the mother-country. In the Declaration of Independence that democratic system which had gradually, through force of circumstances, established itself in the colonies was blended with that element of sentiment, rhetorically expressed, which was needed if democracy was to be the quickening principle of a great popular movement.

We may reverse this view, and say that the sentimental and rhetorical conception of democracy lost its dangers when it could embody itself in familiar and fully tested habits of action. When the teaching of Rousseau found its way to America, it was used, not in attempts to create a new heaven or a new earth, but to give the dignity of idealism and the attraction of romance to practical canons of conduct which had been slowly developing under the pressure of outward events. A little later we meet that principle in the Old World emancipated from these safeguards. Its expectations are no longer steadied by contact with historical facts, and it may at any moment become the stock-in-trade of charlatans or the *ignis fatuus* of dreamers. The ideal of liberty and equality recovers its value when it passes out of the area of abstract propositions and becomes a standard of perfection whereby to measure actual forms and institutions which have their origin not in theory but in history.

CHAPTER VI

THE DECLARATION OF INDEPENDENCE (1761—1776)

THE struggle between Great Britain and her colonies in America, after it had become acute, and the struggle which followed, over the form of government of the American States, after the War of Independence, concerned one and the same thing, the theory, in public and private relations, of legal right; the popular name for which, both in England and America, was liberty or freedom. It is proper to put aside, as declamatory, the violence of the few on the one side who flouted the idea that the colonies or colonists had "rights" against the State which made them, and of the many on the other who profaned the name of liberty or used it in ignorance; and then it will be found that both sides to the struggle, and all sides, sooner or later, came to agree upon the question at issue. Every argument, finally, as the struggle went on, planted itself in legal right. Whether the question was of the issuance of "writs of assistance," or of the extension of admiralty jurisdiction, or of the general powers of Parliament over the colonies — whether it was one of private or public right — it was in reality a question of legal right. Right according to English law is a train of light — running through the whole dark time of trouble and anxiety — by which both sides professed to be led.

The general meaning too of legal right was agreed upon by most of the leaders and thinkers, on both sides of the Atlantic. Americans had learned from England that legal right exists where States and men have and hold their own without unjust interruption, and where, in time of need, one must yield to another, but no further than need requires; which is but saying that legal right exists where equal rights prevail. This was the common law of England, which was the "birthright" of Americans. If the teaching that legal right imports equality before the law had not, by the middle of the eighteenth century, come to be universal in England, it was at any rate the general teaching of the Courts, of Parliament, and of jurists there. It had long been the prevailing idea in America, as doctrine; it became universal as law, from the War of Independence. Indeed the few Englishmen who

declared that colonies had no "rights" against the parent-State, probably held that language, where it was not mere declamation or violence, upon the very footing that rights, in the English legal sense, imported equality; and the equality of the colonies with England was of the very substance of what they denied. And as for that, if rights in the sense of equality meant the equality just named, most Englishmen and many Americans, perhaps a majority of Americans, even at the time of the Declaration of Independence, held the same view. It was never contended in America that the colonies had equal rights, in the largest sense, with England. Such a contention would have been false and silly. It was legal right, as they understood the term, rather than equal rights with England, that they were contending for.

There was however a plain sense in which the Whigs (if not the loyalists) of the colonies contended for equality with the mother-State, even in matters in which they admitted their subordination. Legal right, in the sense of equality, was consistent, they said, with a certain degree of subordination. Nothing was more familiar to lawyers and jurists, not to speak of philosophers, than the idea of subordination in equality, nay, of subordination as necessary to equality in the social organism of the State. Evil besets mankind; rights are constantly being invaded; and the breach must be made good, if equality is to be kept up. But the redress of broken rights may bring hardship upon innocent men; and so may the ordinary exercise of legal rights, as distinguished from the redress of broken rights; still innocent men must yield, they must suffer, just so much as in reason is necessary for redress of the wrong; otherwise there could be no equality, and legal right would be only a name. All this was familiar enough; and it was virtually applied by most of the Whigs to the relation of the colonies to Great Britain. The colonies, consistently with having legal rights against Great Britain, must yield to demands for redress — of one colony for instance, against another; they must yield to Great Britain, where it was reasonably necessary to do so to enable Great Britain to maintain her rights. All this was considered sound theory; but most Americans, who opposed the English Ministry, took their stand there. Further they would not go; there legal right on the one side met legal right on the other; there, at the line of meeting, the colonies stood upon equality with the mother-State. "The theory is just, and time will establish it," said the Maryland jurist Dulaney, a man of ability and moderation.

The real question therefore was whether the English and American doctrine of legal right, in the sense of equality in subordination, should be applied to the relation of England to the colonies. America held that it should; England denied and refused, and separation followed.

Three classes of complaint were made against Great Britain by the colonies, namely:

1. Abuse of authority; the authority of government admitted, that

authority had been unduly exercised in the issuance of general "writs of assistance," in prohibiting and breaking up "assemblies," in suspending and refusing assent to acts of legislation, in laying unduly burdensome restrictions upon trade, and in other things.

2. Discriminating legislation; passing by the question of the general powers of Parliament over the colonies, Parliament had lately extended admiralty jurisdiction in America over matters not within it in England, and had proposed to deprive Americans accused of treason of the right to be tried by a jury of the vicinage.

3. Interference in the affairs of the colonies under claim of universal authority, "in all cases whatsoever."

These topics cover the American theory, at the time, of the true relation of the colonies to the mother-State. Let us take them in order.

(i) Abuse of Authority

The acute stage in the troubles between England and the colonies began, it may fairly enough for the present purpose be said, with a cause in Court touching private right. In the February term, 1761, of the Superior Court of Massachusetts Bay, application was made by Charles Paxton, Surveyor and Searcher of the Port of Boston, and by other officers of the customs, for a renewal of certain revenue process called the writ of assistance or "assistants." This was King's debtor process of the Court of Exchequer in England. The writ had been framed under statutes of the reign of Charles II, passed in aid of the officers of revenue; which legislation had by statute of the reign of William III been extended to America. The writ was addressed to all justices of the peace, sheriffs, constables, and other officers and subjects of the King. Reciting the statutes and the jurisdiction of the Superior Court, the writs now asked for declared, in substance, that the officer serving the process had power to enter any ship, bottom boat, or other vessel, and any shop, house, warehouse, hostelry, or other place whatsoever, to make diligent search into any trunk, chest, pack, case, truss, or any other parcel or package whatsoever, for any goods, wares, or merchandise prohibited to be imported or exported, or whereof the customs or other duties had not been duly paid, and to seize the same to his Majesty's use. It then commanded the persons addressed to permit the revenue officers, by night and by day, to enter any ship, boat, or other vessel, within or coming to the port of Boston or places pertaining thereto, to search and oversee, and strictly to examine, the persons therein touching the premises, and also, in the daytime, to enter the vaults, cellars, warehouses, shops, and other places where any prohibited goods, wares and merchandise, or any goods, wares and merchandise for which the customs or other duties had not been duly paid, lay concealed or were suspected to be concealed; that

they inspect and oversee and search for the said goods, wares, and merchandise : and that they, from time to time, be aiding, assisting, and helping the revenue officers in the execution of the process. The process (which was against goods alone ; it did not authorise arrest of men) ran through the particular reign in which it was granted, and for six months afterwards.

Writs of the kind had been granted by Crown judges or governors before in Massachusetts, as the statement above made, that the application was for a renewal of process, implies ; but former applications had not created excitement. Still the use made, or to be made, of the writs had not passed unnoticed ; and now that, at the outset of the reign of George III, the old writs were about to expire, and new ones were asked for, to run of course indefinitely in time, the whole situation was at once changed. The public was aroused ; it seemed indeed as if all the people of Massachusetts had become parties to the cause. The merchants of Boston formally asked and obtained leave to be heard by counsel on the question whether the Crown really had the right, by law, to invade private premises, and to seize property, under process, not based on oath, which was not to name the premises or the property, or to allege any ground for supposing that an offence against the revenue laws had been committed. The case was argued twice.

The ground taken for the petitioners is shown in the opening words of the petition ; " they cannot," they allege, " fully exercise their offices in such a manner as his Majesty's service and the laws in such cases require, unless your Honours, who are vested with the power of a Court of Exchequer for this province, will please to grant them writs of assistants." Gridley, who appeared for the petitioners, admitted that the writ of assistance took away the common privileges of Englishmen ; but so did process in cases of crime ; officers might break and enter houses to serve process in common law cases of felony. The necessity of the case justified the writ. Smugglers would elude the law if they had notice, and government would lose its means of support. Was not the revenue the sole support of fleets and armies abroad and ministers at home ? Could the nation be preserved without such help ? Was not this a matter infinitely more important than the punishment of thieves or even murderers ? Indeed the power in question was the same as that given by law of the province to treasurers for collecting taxes. Individuals must yield in such cases ; the necessity of having public taxes and public revenues speedily collected was of much greater moment than the liberty of individuals.

In the course of the second hearing Gridley further argued that the writ in question was a writ of assistants, not of assistance ; it was not intended to give greater power to officers, but to provide a check upon them ; they were to have assistants to watch them. They could not enter a house without the presence of the sheriff or some other civil

officer to have an eye over them; that would save the writ from objection.

Thacher, who was with Otis for the merchants of Boston, contended that the Superior Court had solemnly disclaimed the authority of the English Court of Exchequer. But assuming that the Court had the power of the English Exchequer, there were many circumstances which made the English practice an improper precedent for this case. There the officers were sworn in Court, and were accountable to it — they were obliged to pass their accounts there weekly; that was not the case here. In the English Court too cases were tried and tried finally; which was another difference. Again, the officers of the customs in England were officers of the Exchequer, and could be punished corporally for misbehaviour. No such authority had been given to this Court by the statute under which alone the petition was drawn. On the merits of the question, Thacher said that it was either a case in which the judges must act, or it was one of discretion. The statutes did not support the first view; as for the second, it could not be within the power of a judge, at discretion, to determine whether a man's house should be broken open, any more than to determine, at discretion, whether a man should be hanged or not.

Thacher's argument did not touch the authority of Parliament; his contention was, that the writs desired by the Crown officers were not authorised by the statutes of England. Though such writs were good there, they were invalid in America; a distinction made also in Pennsylvania by John Dickinson.

Otis argued against the very writ itself. It was an unlawful thing in very substance; it was against the fundamental principles of law. A man's house was his castle, a place privileged from officers of government in matters of debt and civil process of any kind, including that of the Exchequer. Houses might, he admitted, be broken open to serve process of felony, as Gridley had said; but that could be done only by special (as distinguished from general, indefinite) warrant, granted on oath, naming the house to be searched as suspected, and alleging good grounds of suspicion. Let the officers now make oath and get such special warrants, if they needed to break open houses; that was what the Acts of Parliament meant; they did not authorise these general writs prayed for by the petitioners.

Referring to the precedents, admitted to be few, Otis argued that all precedents were subject to the principles of law. He quoted Lord Talbot, who had said from the bench: "I think it much better to stick to the known general rules than to follow any one particular precedent which may be founded upon reasons unknown to us." The argument thus far was consistent with the idea that the statutes were sound; the statutes did not justify the writs in question; the writ might have been framed by "some ignorant clerk of the Exchequer." But Otis went

further ; if the writ was authorised by Act of Parliament, then the Act of Parliament itself was unauthorised — it was against the constitution and was void. "An Act of Parliament . . . in the very words of this petition . . . would be void."

Otis did not deny the authority of Parliament over the general affairs of the colony. He had no occasion to do so now, even if he believed that Parliament had no such authority, for the question before the Court pertained to external trade, over which the authority of Parliament was not questioned. But even had it not been so, there would have been no difference ; Otis held that Parliament had full authority to regulate the internal, as well as the external, affairs of the colonies. His denial here of the constitutionality of any Act of Parliament which really should authorise these writs of assistance, was a denial of the validity of such a statute over America.

The justices, four in number, or some of them, had doubts at the first hearing in regard to the practice in England; but having meantime satisfied themselves on that point, they were on the second hearing unanimously of opinion that the writ should be granted, and gave judgment accordingly. "The child Independence was born on that occasion," afterwards wrote an eager listener, who lived to be President of the United States.

How the matter was looked upon at the time may be seen in the heated columns of the newspapers, in pamphlets, and especially in the action of the legislature of Massachusetts in the February following the decision. At that time a bill was passed "for the better enabling the officers of his Majesty's customs to carry the Acts of trade into execution." After a short preamble, ironically expressing the desire of the colony to assist his Majesty's officers, the bill declared that upon application, on oath, to the Superior Court, or other Courts named, by an officer alleging that he had information of a breach of the revenue laws, and that he verily believed or knew such information to be true, it should be lawful for the Court, upon reducing such oath to writing, with the name of the person informing and the place informed against, and not otherwise, to issue a writ or warrant of assistance; the form of which followed. The governor rejected the bill; afterwards, in a letter to the Lords of Trade, saying that "the intention of it was to take away from the officers the writ of assistance granted in pursuance of the Act of William 3," and to substitute for it a writ "wholly inefficacious." The governor adds, that the bill "was very popular," and that he silenced all clamour by the manner in which he rejected it ; that this "reduced the popular cry to a murmur only, which soon ceased," and he believed there was "now a total end to this troublesome altercation about the custom house officers." The business of issuing these writs now went on in Massachusetts, for some years, without effective resistance.

Writs of assistance, not before in use elsewhere in the thirteen

colonies, now began to spread. They appear in New Hampshire in 1762, and in one or two other colonies after the passage of the Act of George III, 1767, specifically giving jurisdiction to the Superior Courts of the several colonies to grant writs of assistance. They were thus granted in New York, refused in Pennsylvania, refused in Virginia as general writs, but granted as special ones, and not granted or refused apparently in Connecticut, Rhode Island, Maryland, and other colonies.

After the Declaration of Independence, State after State put into its constitution provisions against the issuance of general search warrants, of whatever kind; and one of the ten amendments to the Constitution of the United States, brought forward and adopted at the beginning of the new government, followed the lead of the States. This was only in conformity with the general common law of England; to which the granting of writs of assistance in the English Exchequer itself was finally made comformable, in the year 1817.

The complaint that gatherings or assemblies of the people to consider supposed grievances against Great Britain had been prohibited and broken up by the government, and that legislation of the colonies had been suspended and denied assent, may be shortly disposed of. The complaint generally was of the abuse, not of the want, of authority; enough that it was abuse — it was therefore an invasion of legal right. Little if any attempt was made to find the boundary of authority. Indeed no bounds could be laid down; all that could be done was to declare that Great Britain was invading the rights of her colonies. The Continental Congress at Philadelphia, in the autumn of 1774, referring particularly to the troubles in Massachusetts, acute as they were, could only say that assemblies had been frequently dissolved, contrary to the rights of the people, when they were attempting to deliberate upon their grievances, and resolve that the people have a right peaceably to assemble, consider their grievances, and petition the King for redress, and that all prosecutions, prohibitory proclamations, and commitments in such cases were illegal. The subject passed into the constitutions of the various States and into the first amendment to the Federal Constitution; but, so far as gatherings of the people were concerned, it was still impossible to use terms of definition of authority. The most that could be said was that "The people have a right, in an orderly and peaceable manner, to assemble to consult upon the public good," as the Massachusetts Declaration of Rights put it. As for suspending legislation, that of course could be dealt with effectually, at a single blow. "The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it," said the same Declaration of Rights; and so in effect the constitutions of the States generally. The division of powers between the federal and the State governments prevented, it was thought, after much debate in the Constitutional Convention, the need or propriety of any declaration in

the Federal Constitution in regard to suspending State legislation; and the powers of the departments of federal government were so laid down as to make it unnecessary to declare that Congress alone could suspend federal laws. A single exception was made with regard to State legislation, such as there had been under the previous state of things, laying duties on imports; duties were declared thereafter to be for the use of the United States, and the laws themselves to be subject to the control of Congress. As for the exercise of the power of veto, that was given to the governors by various, but not all, State constitutions, and to the President by the Constitution of the United States, under particular restrictions.

The right of Great Britain to regulate the external trade of the colonies was admitted. "The sea is yours," said Franklin to the House of Commons during the troubles over the Stamp Act; "you make it safe for navigation; you keep it clear of pirates. You are therefore entitled to some toll or duty on merchandise carried through the seas, towards the expense." "There are many things beyond the reach of our legislatures," said Governor Hopkins; one was the commerce of the whole British empire collectively, and of each kingdom and colony as parts of it. The Continental Congress of 1774, putting it broadly, said, "From the necessity of the case and a regard to the mutual interests of Great Britain and the colonies, we cheerfully consent to the operation of such Acts of the British Parliament as are *bona fide* restrained to the regulation of our external commerce." The power of Parliament to regulate trade was the only bond, as Dickinson admitted, that could have held the colonies together.

No American attempted to define the bounds of the right of Great Britain; general theory was all that was urged. What this theory was, was expressed in one of the resolutions of the Stamp Act Congress, in 1765. Assuming that the increase, prosperity, and happiness of the colonies were desired by Great Britain as well as by themselves, the Congress resolved that such things depended upon the full and free enjoyment of the rights and liberties of the colonies, "and an intercourse with Great Britain mutually affectionate and advantageous." On that footing, recent legislation in Parliament restricting the foreign trade of the colonies had infringed the rights of Americans; the effect of it was to prevent "an intercourse with Great Britain mutually affectionate and advantageous." The colonies were now obliged to take from Great Britain alone the manufactures which they required from abroad. The British manufacturer accordingly set his own price; and the colonists must pay more than they would have had to pay in other markets. So complained Samuel Adams, for the Massachusetts House of Representatives, to Lord Sherburne. It amounted to "a tax, though indirect, on the colonies," the plainest sort of invasion of legal right.

The pecuniary condition of the country added sorely to the grievance; the people were borne down with debt in some of the greatest of the

colonies. "The restraints imposed by several late Acts of Parliament on the trade of this province," declared the General Assembly of Pennsylvania, in 1765, "must of necessity be attended with the most fatal consequences." The balance of trade between Great Britain and the colonies was much against the colonies. Formerly the trade with foreign countries enabled them to keep up their credit with Great Britain, by applying the balance they had gained against foreigners; now the trade was so fettered that it could not be carried on with profit. The supply of coin in the country was small; and, such was the effect of the legislation in question, it could not be much increased. Once exhausted, as soon it must be, it could not well be replaced; no gold or silver mines had been discovered. How was the balance against them to be discharged? And what of the future? To go on was ruin. So in effect Dulaney wrote and lamented.

Moderate men and houses of legislature in the colonies could not believe that Parliament had had accurate knowledge; what reason, said Governor Hopkins, could be given for a law to cramp trade and ruin the colonies, which must at the same time lessen the consumption of British goods? Perhaps, as Hamilton later thought, it was punishment; if it was, the Massachusetts House of Representatives feared that the colonies had been misrepresented as undutiful and disaffected, and so stated to the ministry. But feeling ran high, and England persisted after hearing. The issue then was this—the English theory was that the colonies should be of advantage to the mother-country; their prosperity was desired, but desired to that end; the colonies must trade with the mother-country, and, with trifling exceptions, not elsewhere. The American theory was that the colonies should indeed be of advantage to Great Britain, but not to their own disadvantage; intercourse should be "mutually advantageous." Settled American theory did not reach the point afterwards reached in England, that the government of the colonies should be for the benefit of the colonies alone, though Hamilton, Dulaney, and others fell little if at all short of it.

The subject was peculiar to the colonial relation, and could find no place in the State or Federal constitutions; there was no territorial separation of the federal government from that of the States; all commerce was necessarily carried on with or through the States. The Constitution therefore needed only to declare for uniformity of duties, imposts, and excises, and against preferences in commerce of the ports of one State over those of another.

There were a few other complaints falling under the head of abuse of authority; complaints that private citizens were unnecessarily disarmed, that armies were kept in the colonies, without consent, in time of peace, and that soldiers were wrongfully quartered in private houses. These things, with some variation, found their way into State and Federal constitutions. But the Federal Constitution recognises the right of the

States to maintain a body of militia, and to have command of it when not employed in the service of the United States; as Great Britain had done in the colonial time.

(ii) Discriminating Legislation

Of discriminating legislation there was much concerning which no serious complaint was made. The subordination of the colonies implied some discrimination against them, according to theories of government prevailing in the eighteenth century and admitted by the colonies. What was understood by "regulation of trade," that is, of external and inter-colonial trade, was the ever-present example. The colonies must not trade with foreign countries, except as permitted by government; they were subject to trade-duties peculiar to them as colonies. But there was somewhere a limit beyond which it was agreed discrimination ought not to go; to pass that limit was to violate legal right. Where was the limit? No general answer was given; no one indeed contended that there was any fixed boundary line; each case was treated as standing more or less by itself. The American contention then, arising out of particular cases, was simply this: — assuming, or waiving the question of, the authority of Great Britain, authority had been exercised so as to discriminate unduly against America.

Leaving for later consideration questions whether certain complaints belong to this head or to another, and taking up none but admitted cases, the first thing to be noticed must be the legislation touching the jurisdiction of the colonial Courts of Admiralty.

Complaint was five-fold. First, it was complained that the revenue jurisdiction of the Courts of Admiralty in America, which theretofore had been local, had now been extended, for every Court, over the entire coast of the colonies. Secondly, that jurisdiction had been given to the colonial Courts of Admiralty in matters beyond the jurisdiction of the Admiralty in England, namely in matters of the common law; whereby Americans had, so far, been deprived of the Englishman's right of trial by jury. Thirdly, that, while in England damages could, in case of acquittal, be recovered against officers who seized goods, in America no action could be maintained if the judge in Admiralty would only certify that there had been probable cause for the seizure. Fourthly, that the judge in Admiralty held office at the pleasure of the Crown, instead of during good behaviour as in England. Fifthly, that the judge was paid in fees, a large percentage being payable to him for every condemnation of goods, much larger than in cases of acquittal.

The complaints of political bodies usually took the form of resolutions or declarations, without stated argument. The Stamp Act, and other Acts of Parliament — so the Stamp Act Congress declared, in October 1765 — "by extending the jurisdiction of the Courts of Admiralty

beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists." "Trial by jury is the inherent and invaluable right of every British subject in these colonies." Trial by jury in these cases of the revenue — so said the address to the King, on the same occasion — is a security against the arbitrary decisions of the executive. His Majesty's subjects in America are required to submit to the determination of a single judge, in a Court not restrained by the wise rules of the common law, the birthright of Englishmen and the safeguard of their persons and property. The colonies have the misfortune to find, said the address to the House of Commons, that all the penalties and forfeitures mentioned in the Stamp Act and other late Acts are, at the election of the informers, recoverable in any Court of Admiralty in America. A newly-elected Court of Admiralty has general jurisdiction over all British America, so that his Majesty's subjects are liable to be carried at the greatest expense from one end of the continent to the other. It is painful to see such a distinction made between the subjects of England and the colonies; there the like penalties and forfeitures are recoverable only in his Majesty's Courts of Record (*i.e.* the common law Courts).

Individual leaders also took part in the matter, in newspapers and pamphlets. Governor Hopkins dwelt upon the territorial extension of jurisdiction. Goods lawfully imported may now be seized in Georgia and carried to Halifax, for trial there; and if the judge can be prevailed upon to certify that there was probable cause for the seizure, the unhappy owner, if he has followed his goods, may return to Georgia quite ruined. The power given to Courts of Admiralty, said Thacher, who with Otis had argued against the writs of assistance, alarms the people. The common law is the birthright of every subject; trial by jury is a darling privilege. It was so long before the colonies were planted; our ancestors had many struggles against attempts of the Court of Admiralty to inundate the land. What chance has the subject for his rights when the judge is to have a hundred or perhaps five hundred pounds for condemning, and less than twenty shillings upon an acquittal — the judge too acting alone, without a jury? Worse than that, the seizor may at his pleasure inform in any Court of Admiralty in the particular colony, or wherever in America a Court may sit. Thus a malicious seizor may take any man's goods, however lawfully imported, and carry the trial a thousand miles away, and the owner shall lose his right from sheer inability to follow. The Act of Parliament makes other distinctions. In Great Britain no jurisdiction is given to any other than the common law Courts; and there the subject is near the throne, and can soon be heard. In England the officer seizes goods at his peril; if the goods are not liable to forfeiture, the seizor must pay the claimant his costs, and is besides liable to an action for damages.

These complaints were answered by the English Ministry, by judges, and by loyalists. The Stamp Act itself, it was pointed out, had recognised the grievances and proposed a suitable remedy. It contained a clause providing for the creation of such a number of Courts of Vice-Admiralty as would bring trials within the reach of every subject in America. In the execution of that purpose the then Commissioners of the Treasury had in fact formed and submitted to the Privy Council a plan for creating three such Courts, with proper districts, and with ample fixed salaries for the judges, in lieu of all fees. But the repeal of the Stamp Act followed; "and the Americans will owe the grievances which they suffer from the present situation and constitution of the Court of Admiralty to the administration which" caused the repeal.

The extension of jurisdiction of the colonial Admiralty over matters of the common law was itself justified, as the ministry, Crown judges, and loyalists held, on the ground of necessity. "The reason for putting these causes," arising under the Stamp Act, "in a course of trial without any jury undoubtedly arose from an apprehension that juries in these cases were not to be trusted." The force of that reason might be abated, it could not be wholly destroyed; no candid man would "take it upon him to declare that at this time an American jury is impartial and indifferent enough to determine upon frauds in trade." It was declared to be "notorious that smuggling had well-nigh become established in some of the colonies." "The way to Holland and back was well-known"; and then Whig and smuggler had been "playing into each other's hands." Smuggler had been protected by Whig, Whig in turn had been supported by smuggler, bitterly observed a New England loyalist—with truth, if not with the whole truth. "What," said another, "could the government do but apply a remedy as desperate as the disease?"

No definition of Admiralty jurisdiction was given in any of the American constitutions. The subject was probably referred to in certain provisions of State constitutions, or bills of right, that "in controversies respecting property" trial by jury was "preferable to any other," or was matter of "right" except where it had been "otherwise used and practiced." The seventh amendment (passed in 1789) to the Constitution of the United States provides that "in suits at common law, where the controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Great difficulty was found in the Federal Convention in fixing jury trials, in civil cases, through the States, and the subject was finally dropped, and left to the States. As for Admiralty powers, the Federal Constitution simply declares that "The judicial power of the United States shall extend . . . to all cases of Admiralty and maritime jurisdiction." The Courts therefore were to determine what that was. Rights of action for damages for improper seizure of goods under revenue laws (to be passed) were left for legislation and the Courts. Judges of the federal Courts were to hold office during good

behaviour, and to receive fixed salaries without fees. Such, altogether, was the net constitutional result, federal and State.

The trouble which arose over the determination to take Americans accused of treason to England for trial, is a shorter matter. Orders had gone forth for closing the port of Boston; and, in anticipation of resistance, riots, and bloodshed in enforcing the same, the legislation in question had been passed by Parliament. It had lately been resolved in Parliament, said the Continental Congress of Philadelphia in the autumn of 1774, that by force of a statute of the time of Henry VIII, colonists may be transported to England and tried there upon accusation for treason and misprisions, or concealment of treason, committed in the colonies; and by a late statute such trials had been directed in cases therein mentioned.

Against this and other new legislation affecting Massachusetts, it was resolved that at the time of the emigration the colonists were entitled to all the rights, liberties, and immunities of free natural born subjects within England; that they had not, by their emigration, forfeited, surrendered, or lost any of those rights; and that their descendants were still entitled to exercise and enjoy the same so far as circumstances enabled them to do so. Accordingly, the colonies were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried for crime by their peers of the vicinage, by the course of that law. The legislation in question was unjust, unconstitutional, destructive of the rights of Americans.

Necessity was of course the justification urged. Boston juries could not be depended upon to convict Boston citizens of crime in resisting officers of the British government, or to acquit officers under indictment for acts done by them in the discharge of their duty; to which sarcasm might reply, that British juries could be depended upon to convict in the one case and acquit in the other, for want of witnesses who heard and saw. Men accused of crime in Massachusetts must be tried by a Massachusetts jury, not merely because British juries would be apt to be prejudiced against them for what they had done against natives of England, but because witnesses in favour of the accused would not be present at the trial there, or if present would probably be overawed. So Americans maintained; and that view passed into the State constitutions and then into the sixth amendment to the Constitution of the United States.

(iii) Interference under Claim of Universal Authority

The great dispute between the colonies and Great Britain was of the true relation between the two parts of the British empire. Parliament, first distinctly claiming the right to tax the colonies for the support

of the empire upon the close of the French war in America, shortly afterwards put the claim of right, plainly following on the first position, universally; Parliament had the right to legislate for the colonies, "in all cases whatsoever." As the first claim was denied in the colonies, so still more, of course, was the second. Thus was raised one of the greatest issues of legal right which has ever stirred the English race. Well for the world that there were men in America equal to their part in it; for the dispute was of a kind to affect the history of the world; the future of distant and foreign races, as well as of all those of English blood, might be turned by it.

During all the time embraced in the troubles now under consideration, all Americans, Whigs or "patriots," with few expections, as well as Tories or "loyalists," were devoted to the colonial relation. The stand taken by the Whigs against the mother-country was taken accordingly; and it should be distinctly observed that their opposition to the policy adopted by the British government was the opposition of colonists, seeking their ends for the colonies as such. In other words, their theory of rights was a theory of the colonial relation between Great Britain and her American possessions, the thirteen colonies; they believed it to be the true theory of rights touching that relation. The sincerity of the professions of loyalty by the Whig or generally dominant party in the colonies was indeed doubted in England and sneered at by the Tories in America; but the profession was stoutly made throughout the time in question, and there is evidence enough that it was made with sincerity. But even if it were true that the Whigs were already bent upon separation, the basis of their contention was the colonial relation; and the subject must be considered upon the ground upon which it was put.

The Continental Congress of September, 1774, put the claim of exemption of the colonies from the general authority of Parliament on three grounds of legal right, to wit, rights fixed (*a*) by the "immutable laws" of human nature, (*b*) by the British Constitution, and (*c*) by the colonial charters. How was the claim supported? How was it opposed in America, that is by the loyalists? The several grounds will be considered in order, by way of answer. First, then, of the laws of nature.

(*a*) *Laws of Nature*

The contention on this point, beginning with the Stamp Act troubles, in 1764, was, that the rights of the colonists were not all or chiefly derived from the sovereign power of Great Britain, or from Great Britain in any way. Rights were not necessarily created by legislatures or by municipal law; they were not necessarily created at all. The greatest rights were original, inherent in man; they arose from law indeed, but from that law only which, through the social instinct, draws

men together in social relation. The State itself was nothing but a body of men in social relations, with power given to it, or created with power, to enforce the obligations arising therefrom. In other words, Americans contended that the chief rights of men arose from human nature. Instead of being created by municipal law, these rights themselves gave rise to all laws enforced by the State.

This theory of legal right was put as English doctrine. American jurists, including loyalists, were in the habit of quoting Calvin's case, of the time of Coke. In that case all the authorities had been examined, and the judges had unanimously resolved, first, that the laws of nature are part of the law of England; secondly, that the laws of nature cannot be changed; thirdly, that protection and government are due to the subject by the laws of nature; fourthly, that neither "ligeance" nor protection is tied to municipal law, but is due by the laws of nature.

Plainly then there was, at the time of the settlement of the colonies, a "law of nature" which was not derived from Parliament, a law which Parliament could not change. Indeed Americans believed that doctrine without regard to Calvin's case; the doctrine did not rest on "musty records"; it was sound in itself. So in effect it was put by all the leaders — by Otis, Hopkins, Samuel Adams, John Adams, and Hamilton. "The sacred rights of mankind," said Hamilton, "are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature by the hand of the Divinity itself, and can never be erased or obscured."

The rights referred to as derived from the laws of nature were generally spoken of, as Hopkins put them, as inherent and indefeasible; they were Blackstone's "absolute rights" of individuals to life, liberty, and property, and his secondary, consequent rights of legislation. The term "birthright" was constantly applied to the first. But the doctrine that these or any other rights of the colonists were beyond the power of Parliament was denied in England and by loyalists in America. Discussion began with the rights of individuals.

Howard, a Rhode Island loyalist and lawyer, said that, in speaking of the rights of free-born Englishmen, personal and political rights were confounded. He put the case, in substance, thus: 1. Political rights are not "natural"; these come from Parliament, and Parliament comes from the constitution of England, which was the common law. These rights, in the case of the colonists, are derived, immediately, from the charters. 2. Personal rights of life, liberty, and property, called "inherent, indefeasible" rights, are not "natural"; these come from the common law. These, too, in the case of the colonists, are derived, immediately, from the charters. 3. All the rights of the colonists therefore are derived immediately from the charters, ultimately from the common law. 4. If then the colonists claim the common law, as they do, as the source of these personal rights, they must accept Parliament also, for Parliament

too was the offspring of the common law. 5. But corporate rights were matters of grace and favour of the donor or founder. 6. Therefore, the rights of the colonists, political and personal alike, were matters of grace and favour.

Otis denied Howard's distinction between personal and political rights; it was "a new invention." The rights of men were natural or civil ("political"), and they might be both, at the same time, for the two divisions were not opposed to each other; which, it may be remarked, meant that all rights were civil, but certain civil rights were "natural." Civil rights were principally three, rights of personal security, personal liberty, and private property; these by Blackstone were called absolute civil or political rights, and these were natural. Now natural, absolute (Howard's "personal") rights, so far from being opposed to civil or political rights, were the very basis of all municipal laws of any great value.

Howard's distinction too had led him to confound the rights of bodies politic or corporate with the civil or political rights of natural persons. Because the rights of bodies corporate, so far as they depended upon charter, were matters of grace and favour of the donor or founder, Howard had inferred that the colonies, as bodies corporate, had no rights independent of their charters. But this, said Otis, contradicted his statement that by "the common law" every colonist had a right to his life, liberty, and property.

Rights of life, liberty, and property, by nature and by the common law, were civil or political rights. But in the colonies these and all other rights, according to Howard, depended upon charter. It must follow that the people of those colonies (New York, for instance) which had no charters, had no right to life, liberty, or property. And even in the colonies which had charters, these rights depended upon the mere good-will, grace, and pleasure of the supreme power. That could not be true; the origin of these rights was found in the law of nature. If all the charters were abolished, this would not shake one of the essential rights of the colonists; the colonists would still be men, citizens, British subjects. No Act of Parliament could deprive them of the liberties of such. It followed — although Otis left the plain deduction to the reader — that the colonists could claim the common law, without admitting the authority of Parliament, even if it were true that the British Constitution was, properly speaking, the common law in such a way that Parliament, like the rights of life, liberty, and property, could be said to be the offspring of it. Otis made no allusion to this point; his argument was not affected by it. It was enough that the "personal" rights in question, being civil or political, were at the same time natural, and hence above charters or Parliaments.

Otis however did not deny that Parliament had the right to lay taxes upon the colonies, and so far take the property of the colonists

without their consent. On the contrary he in terms affirmed the right: "the Parliament of Great Britain has a just and equitable right, power, and authority, to impose taxes on the colonies, internal and external, on lands as well as on trade." This was involved in the idea of the sovereign power of the State. But he held that it would be inexpedient and unreasonable for Parliament to exercise the right without allowing the colonies actual representation. Otis was writing in 1765; but even then the whole Whig party was against him. The Whigs carried the doctrine of rights under the laws of nature to the conclusion that Parliament had no authority to lay taxes upon the colonies; the rights of "personal security, personal liberty, and private property" were beyond the reach of Parliament, except as incident to the right of Parliament to regulate the external affairs of the country. That would have been said to be the true effect of Otis' own argument.

So far as individual rights were concerned, these absolute rights were perhaps all that the colonists meant when they spoke of rights derived from the laws of nature. "Birthright" had a wider, an indefinite meaning; it was often used to include the common law, the great English statutes, and the British Constitution; hence many things having no bearing on the question of exemption from Parliamentary control.

As a direct consequence of the claim to such exemption in respect of the great individual rights, the Whigs claimed exemption in respect of the means whereby those rights were protected; they had rights to legislatures and Courts of their own. And these rights of direct consequence they also called inherent and indefeasible, and therefore "natural." "The supreme and subordinate powers of legislation should be free and sacred in the hands where the community have once rightfully placed them," as "a natural, essential, inherent, and inseparable right." A legislature of the colonies might be forfeited (in virtue of allegiance) to the Crown, for good cause, according to Otis, who, writing in 1764, went further than the Whig leaders ten years later; but forfeiture of the kind could not affect the natural persons of the members of the legislature or of the inhabitants of the colonies in their rights of legislation. The colonists would still have the right either to be represented in Parliament or to possess a new subordinate legislature.

Seabury, a rector of New York, an able, caustic writer, denied that the colonies had any inherent or natural right of legislation; their powers of legislation were derived from the indulgence or grant of the parent-State. "Upon the supposition that every English colony enjoyed a legislative power independent of the Parliament, and that the Parliament has no just authority to make laws to bind them, this absurdity will follow, that there is no power in the British empire which has authority to make laws for the whole empire; that is, we have an empire without government; . . . we have a government which has no supreme power." Supreme power must be lodged somewhere.

Hamilton answered Seabury, first discussing the theory of the authority of the House of Commons by way of showing that the authority of Parliament must be limited to Great Britain. The House was a check against despotism in various ways peculiar to the mother-country. The very aim of this part of the government was to secure the rights of the people, that is, the people of Great Britain. The House of Commons represented them ; their own interests were in every way connected with those of their constituents. Again, as Governor Hopkins, writing in 1765, had put it, all the powers of the House were derived from its electors, and these were persons of Great Britain ; it followed that all its authority was confined to Great Britain. "The power which one society bestows upon any man or body of men can never extend beyond its own limits."

Proceeding to Seabury's proposition that supreme power must be lodged somewhere in government, Hamilton denied the inference that, unless the supreme authority be lodged in one part of the empire over all the other parts, there can be no government. Each part might enjoy a distinct, complete legislature, and still good government might prevail everywhere. It was vain to deny that two or more distinct legislatures could exist in the same State. Such a denial might hold good as regards a single community ; there could not be two legislatures in England or in New York. But it did not hold good of a number of distinct societies or bodies politic under one common head ; thus there might be one legislature in England, another in Ireland, and another in New York ; and still these several parts might form but one State. There must indeed be some connecting, pervading principle ; but that was found in the King. "His power is equal to the purpose, and his interest binds him to the due prosecution of it." How could this frustrate or obstruct government?

He affirmed then that legislation was an inherent right of the colonies, not a matter of indulgence or grant. All men were equal by birth ; natural liberty was the gift of the Creator to the whole human race ; and "civil liberty is only natural liberty, modified and secured by the sanctions of civil society," which of course included legislation. Neither Parliament nor Crown had bestowed natural liberty upon the colonists, or could bestow it.

(*b*) *The British Constitution*

How did Americans claim exemption from Parliament in virtue of the British Constitution ? The chief answer to that question is found in the English doctrine, running back to Magna Carta, and the various stages of representation. Property could not be taken without consent of the owner given personally or by his representatives ; that was the ordinary, specific way of putting it, but the ground taken was general —

Parliament had no authority over individuals in the colonies (except incidentally, in the regulation of their external affairs) for want of representation by them.

In answer to this position it was contended that what came to be called "virtual representation" satisfied the meaning of the constitution; and in that sense, America, it was said, was represented in Parliament. The maxim, as the loyalist Howard was willing to call it, that Englishmen could not be taxed without their consent, was a "dry maxim"; it was not to be taken literally. Rightly explained, it did not support the Whig case. It was, said Howard, the opinion of the House of Commons, and might be considered as a "law of Parliament," that the Commons were the representatives of every British subject, wheresoever he might be. In that view the maxim in question was fully vindicated, and the whole benefit of it extended to the colonies. In a literal sense the maxim never was and never could be carried out. Was the Isle of Man, or Jersey, or Guernsey represented in that sense? What was the value of the representation of each man in the kingdom of Scotland, which contained near two millions of people, and yet not more than three thousand had a vote in the election of members of Parliament? The moneyed interest of Britain, though vast, had no share in the representation; and copyholders could not vote for members of Parliament.

Otis replied with legal sarcasm. Howard had said that the opinion of a House of Commons was a "law of Parliament." Therefore it was determined by act of Parliament, that Americans were, and should believe they were, in fact represented in the House of Commons! Would any man's calling himself an agent or representative make him such? Howard saw no difference between a literal sense of his "dry maxim" and no sense at all. Could it be argued that, because it was impracticable that each individual should in fact be represented, there should be no representation whatever?

Seabury said that the Whig doctrine had arisen from an artful change of terms. To say that an Englishman was not bound by laws to which the representatives of the nation had not given their consent was to say what was true. But to say that an Englishman was bound by no laws but those to which he had consented in person, or by his representative, was saying what never was true, and never could be true. A great part of the people of England had no share in the choice of representatives. One of the Commissioners of the Treasury, in England, speaking more directly still, said that the merchants of London, the proprietors of the public funds, the inhabitants of Leeds, Halifax, Birmingham, and Manchester, and the East India Company, did not choose representatives; and yet they were all represented in Parliament. "And the colonies, being exactly in their situation, are represented in the same manner."

It fell to Dulaney to make the chief answer. The non-electors of England were under no personal incapacity to vote. All the inhabitants of the towns named, the members of the East India Company, and the rest might acquire the franchise. In point of fact there were electors in the towns, and even members of Parliament. Further, the interests of the non-electors, the electors, and the representatives, were individually the same; to say nothing of the connexion among neighbours, friends, and relatives. The security of the non-electors against oppression was that oppression of them would fall also upon the electors and the representatives. Again, if non-electors should not be taxed by Parliament, they would not be taxed at all; and it would be iniquitous that they should enjoy the benefits resulting from taxation and yet not bear any of the burdens. In that state of things a double virtual representation might reasonably be supposed. The electors, who were inseparably connected with the non-electors in interest, might in voting be deemed to represent the non-electors; and the persons chosen were therefore the representatives of both. This was the only rational explanation of virtual representation. The inhabitants of the colonies, as such, were incapable of being electors; if every one in America had the requisite freehold interest, not one could vote. Nor was there any intimate and inseparable relation between the electors of Great Britain and the colonists which must involve them in the same taxation. Not a single elector in England might be immediately affected by a taxation in America imposed by a statute having a general operation in the colonies. The latter might be oppressed without any sympathy or alarm in England. Indeed oppression of the colonies, by taxation, might be popular in England, as giving ease to the people there. Ultimately England would be liable to be affected, but not soon enough to cause alarm.

Dulaney wrote in October, 1764; in January, 1765, Pitt adopted the argument in a speech in favour of repealing the Stamp Act, referring to Dulaney's pamphlet in terms of admiration. The argument was destined to prevail through the world as established British doctrine.

Another complaint arising in virtue of the British Constitution, as the colonists held, was that the departments of the local governments were interfered with in England and confused. "It is indispensably necessary to good government," declared the Continental Congress of 1774, "and rendered essential by the British Constitution, that the constituent branches of the legislature be independent of each other; that therefore the exercise of legislative power in several colonies, by council appointed, during pleasure, by the Crown, is unconstitutional, dangerous, and destructive of American legislation."

It was a common objection to the American contention that the colonies were only corporations engaged in trade, agriculture, and other pursuits, and that accordingly the colonists were no more entitled to

exemption from taxation by Parliament because of want of representation, than were other corporations — than was indeed the City of London. Dulaney met this argument thus. The colonies had complete legislative authority, and the people were represented in their legislatures, and in no other way. The power of making bye-laws vested in corporations, such as the City of London, was incomplete, being limited to a few particular subjects. And as for London, the Common Council were actually represented in Parliament, having a choice of members. The power of the colonies to make laws was not limited by anything else than what resulted from their subordinate relation to Great Britain. The term bye-law would be as improper when applied to the assemblies as the expression Acts of Assembly would be if applied to Parliament. Thacher, writing about the same time, said that it was impossible to consider the colonies as corporations, in the sense of corporations existing in England. Distance had made it necessary that the colonies should have the power of legislation; the colonies could not have existed otherwise. Now the colonies had always taxed themselves in their own legislatures, and had supported a complete domestic government among themselves; was it then just that they should be doubly taxed?

The loyalist Galloway of Pennsylvania, lately Speaker of the House of Assembly of that province, agreed with this view, as expressing the purport of the charters; which however he regarded as usurpations. The inferior corporations of England, he said, were governed by the general laws of the State, and their powers were so confined that they had frequent occasion to apply to Parliament for laws and regulations necessary to their own welfare. The colonies "were made competent to every act which could be necessary in a society perfectly independent." There was nothing for which they had to look to Parliament. They were not obliged by their charters to send any of their transactions for the inspection or control either of the Crown or Parliament; and they could declare war or make peace, in virtue of their charters. Galloway had indeed in 1775 thought that the colonies ought to be represented in Parliament, under the British Constitution, regardless of their charters. The rights of Americans, he believed, could be traced to no other source than the Constitution of the British State; and this was founded upon real property as the thing to be above all protected. Hence real property in England was represented in Parliament. Real property in America ought also to have representation there; the emigrants had neither surrendered, forfeited, nor lost their rights of representation by coming to America; Americans, as the subjects of a free State, were justly entitled to participate in the government of it; they should be restored to their ancient and essential right of sharing in the making of laws. That right originally was, and still is, of the essence of the British Constitution. As the case now stood, the British government was as absolute and despotic over the colonies as any monarch could be. That

was a situation in which people accustomed to liberty, especially Americans, could not easily acquiesce.

To the suggestion that the Parliament might grant the colonies representation if request were properly made, the answer on both sides of the Atlantic uniformly was, that the situation of the colonies made the idea impracticable; with a play upon the favourite Whig phrase, Leonard of Boston, a loyalist, said that by "the immutable laws of nature" we cannot enjoy it. And history has made good the answer. Representation was out of the question, and therefore the colonies were not to be subject to the general authority of Parliament — such was the Whig or American position.

(c) *The Charters*

The Whigs generally held that the charters confirmed their view that the colonies were exempt from the general authority of Parliament. Most loyalists, but (as will be seen) not all, held with the ministry the contrary view. Howard had been content with making the statement that the charters had not taken away Parliamentary jurisdiction — a statement which, coming from a lawyer of high standing, might under other circumstances have been accepted by laymen. But this was not a time for bare assertion on such a question; and other loyalists proceeded to call attention to the very language of the charters. Seabury published extracts from them in one of his pamphlets, and summing up said: "These extracts abundantly prove that the colonial charters by no means imply an independence of the supreme legislative authority of Great Britain." Leonard, an able lawyer of Boston, put the case of the Massachusetts charters, which were thought by Galloway to go to the furthest length of them all, in this way: to interpret the clause about liberties and immunities of free and natural born subjects as exempting the colony from Parliament, they must throw away all the rest of the charter, for every other part indicated the contrary. The meaning of the clause in question was this: if a person born in England removed to Ireland, he and his posterity were still subject to Parliament; and so if he removed to any other part of the British dominions. "So that the inhabitants of the American colonies do in fact enjoy all the liberties and immunities of natural born subjects. We are entitled to no greater privileges than those that are born within the realm; and they can enjoy no other than we do when they reside out of it." The clause amounted only to a royal assurance that the colonies were part of the British empire. That the powers of legislation were subject to Parliament was shown by the words relating to them, "So as the same be not repugnant or contrary to the laws of this our realm of England." Our patriots had made many nice distinctions to evade the force of these

words, but to no purpose. Finally, the Crown could neither alienate part of the British dominions nor impair the supreme power of the empire.

The Whig contention was best put by Samuel Adams, by Dulaney, and by Hamilton.

Adams and Dulaney, taking the same ground substantially, treated the charters as contracts, or "compacts," this being a term generally in use at the time with a somewhat broader, and, at its borders, vaguer meaning than contract. As the term however was applied by jurists to the charters, it appears generally to have been used in the sense of contract, *i.e.* binding agreement. The original contract between the King and the first planters was, said Adams, writing in 1768, a promise on behalf of the nation, by authority not till lately questioned, that if the adventurers, at their own cost, would purchase the country, subdue the wilderness, and thereby enlarge the King's dominions, they and their posterity should enjoy such rights and privileges as in their respective charters were expressed; which in general were all the rights, liberties, and privileges of his Majesty's natural born subjects within the realm. The principal privilege, implied by some and expressed by other charters, was freedom from all taxes but such as they should consent to in person or by representatives chosen by themselves.

Hamilton, "the marvellous boy" — he was then an undergraduate in college, little more than eighteen years of age — made the most original and telling argument in the great debate. He took the position that the colonies were "without the realm and jurisdiction of Parliament," and that the charters, and British action touching them, showed the fact. He argued the case thus: —

King James had granted three charters to the Virginia Company. The first one ordained that the colonies to be established should have a council which should govern all matters within them, according to such laws, ordinances, and instructions, as should be given and signed by the King; and that the colonists should have and enjoy all liberties, franchises, and immunities within the King's "other" dominions, as if abiding and born in England. The King could not have granted such a charter if the colonies had been part of the realm, or within the jurisdiction of Parliament. The second and third charters only enlarged the first. The present government of Virginia was modelled after the third charter; by this the company were to have "one great, general, and solemn assembly," to dispose of affairs of every sort, with full power to make laws for the good of the plantation, "so always as the same be not contrary to the laws and statutes of this our realm of England." By this charter King James had divested himself wholly both of legislative and executive authority, but for his own security had prescribed a model for their civil constitution. The laws were not to be contrary to those of England; this was inserted in all later charters, with some little variation. The object of the provision was only to present to the

colonies a general model in the British Constitution. The conduct of James I and Charles I made the case still clearer. When in the year 1621 a bill had been introduced in the House of Commons to give to English subjects fishing privileges on the coasts of America, the Secretary of State, by command of the King, informed the House that "America was not annexed to the realm, and that it was not fitting that Parliament should make laws for those countries." So when, in the time of Charles I, the same bill was again proposed, the King declared that "it was unnecessary; that the colonies were without the realm and jurisdiction of Parliament." This showed that the clauses quoted (that the laws should not be contrary to those of England) "were not inserted to render the colonies dependent on Parliament, but only . . . to mark out a model of government for them. If then the colonies were, at first, without the realm and jurisdiction of Parliament, no human authority could afterwards alter the case without their own consent."

Hamilton then considers the other colonial charters; first those of New England. The object of these colonists "was to be emancipated from their sufferings under the authority of Parliament and the laws of England." In evidence of this, Hamilton quotes the compact on the *Mayflower*, in full. Soon afterwards King James issued his Plymouth charter "for the planting, ordering, and governing of New England in America," with a charter to the same effect as the charters of Virginia. There was to be a Council having "sole power of legislation"; the right of electing all officers, civil and military, and authority to coin money, and to make war and peace, were also conferred upon the colonists. The charter of Charles I to Massachusetts Bay was similar. The charters of the other colonies were reviewed, with the same result, except in the case of that of Pennsylvania. This contained a clause which was "a reverse, in favour of Parliament, perfectly singular and unprecedented in any foregoing charter, and which must either be rejected or the general tenour of the grant becomes unintelligible"—a statement with which the loyalist Galloway agreed. Reference is then made to the revocation of the Massachusetts charter and the granting of the new one by William and Mary. The agents of the colony would not accept the new charter until they had consulted competent authority; which done, the agents drew up a declaration in which they said: "The colony is now made a province; and the General Court has, with the King's approbation, as much power in New England as the King and Parliament have in England. They have all English privileges and liberties, and can be touched by no law and by no tax but of their own making."

The troubles in Virginia over the first Act of Parliament imposing duties in America, in the 25th year of Charles II, were then referred to; and although this was only a matter of the regulation of trade,

the result was a declaration, under the King's privy seal, that "taxes ought not to be levied upon . . . a colony but by the consent of the General Assembly." And this declaration had been directly acted upon under Governor Culpeper in Virginia, measures intended to raise revenue for protecting the colony being "passed into law by the King's most excellent Majesty by and with the consent of the General Assembly" of the colony. "If the Virginians had been subjects of the realm, this could not have been done without a direct violation of Magna Carta, which provides that no English subject shall be taxed without the consent of Parliament."

As for the admitted jurisdiction of Parliament over the regulation of commerce, which Hamilton's reasoning seemed to cover, the answer was, "It is enough, we have consented to it."

By the year 1780 Galloway, who had cut loose all connexion with America and gone to England, agreed in effect with Hamilton. In 1775, while there was still hope for his famous Plan of Union, he could "discover no exemption or discharge from the authority of Parliament in any of" the charters, save that of Pennsylvania; and there it was only partial, while other parts of the same charter were to the contrary. But disappointed hopes and five years of revolution had their effect; he could now condemn the New England charters as inculcating independence, so far as Parliament was concerned. By the Plymouth charter of 1628 "every prerogative of the Crown, and all the rights of the aristocratic part of the British Constitution, were sacrificed to the republican views of the grantees." There was no control over "this complete legislative authority," except that nothing contrary to the laws of the realm should be done. The people of Massachusetts had been "educated under the unlimited and [therefore] unconstitutional powers of their former and present charters." So of the other charters; they contained "the same unlimited and unconstitutional powers." All supervision over their legislative, executive, and federative powers had been given up; the colonies made what laws they pleased, and executed them as they pleased; they made peace and war with whom they pleased. By their several charters they were constituted "so many complete, independent societies" within the State.

The exceptional clause in the charter of Pennsylvania was to the effect that the King grants that he will levy no taxes on the inhabitants of the province unless with the consent of the General Assembly or by Act of Parliament. Franklin, asked on examination by the House of Commons how the assertion could be made that laying taxes on his people by the Stamp Act infringed their rights, in the face of that clause, explained the provision thus. By the same charter, and otherwise, his people were entitled to all the privileges and liberties of Englishmen; one of those privileges was, that they were not to be taxed but by their common consent. They had therefore relied upon

it that Parliament would not and could not tax them until it had qualified itself to do so by admitting his people to representation, who ought to make part of the common consent.

But were not these charters of the colonies, though granted in fact by the Kings of England, granted in law by Parliament as the sovereign power of the nation? The Whigs said that they were not; though the elder Adams, inconsistently with that idea, had in 1768 spoken of the charters as a royal promise "on behalf of the nation," for making which it had never till very lately been "questioned but the King had power." The Whigs generally however would have said, then or later, that that was a mere slip or inadvertence. That they generally held that the King's promise was made in his own right alone is clear. Galloway, speaking with ample knowledge, said of the idea, "We find it in all the resolves and petitions of the American assemblies, town meetings, and provincial committees, and even in the proceedings of the Continental Congress," which indeed had declared upon it.

Galloway pronounced the idea a delusion, "a distinction nowhere to be found"; the charters had been granted by the King as representative of Great Britain; they had therefore been granted by Parliament, and hence the colonies derived their rights from the British legislature. He supported the proposition thus. The King held the great seal in his representative capacity only. One right which he had under the seal was to form territory within the realm into inferior bodies politic, vesting in the people there the power to make laws for the regulation of internal police, but not to discharge the people from obedience to Parliament, because that would weaken and dismember and in the end destroy the State. The colonies were by their own admission members of the State; which he seems to lead the reader to infer, was bringing them "within the realm." Every colony in America had been settled under licence and authority of the great seal, "affixed by the representative of the body politic of Britain," to the charters. There was no other source from which the King could derive authority. He brushed aside the position taken by some that the oath of allegiance in America was professed to the King, not as representative of Great Britain, but as representing the several legislatures of the colonies; it was "a new and unheard of capacity of his Majesty"; it made his Majesty the representative of his own representatives, delegates, or substitutes.

Seabury dealt with the matter thus: "To talk of being liege subjects to King George while we disavow the authority of Parliament is another piece of Whiggish nonsense . . . If we obey the laws of the King, we obey the laws of Parliament. If we disown the authority of the Parliament, we disown the authority of the King. The King of Great Britain was placed on the throne by virtue of an Act of Parliament, and he is King of America by virtue of being King of Great Britain. He is therefore King of America by Act of Parliament."

To this Hamilton replied, that the Act of Parliament was not the efficient cause of his Majesty's being the King of America; it was only the occasion of it. He was "King of America by virtue of a compact between us and the [former] Kings of Great Britain. These colonies were planted and settled by the grants and under the protection of English Kings, who entered into covenants with us, for themselves, their heirs, and successors." From these covenants the duty of protection by them and of obedience by us arose. "Our compact takes no cognizance of the manner of their accession to the throne." It could therefore make no difference that King James and the first and second Charles were in truth parliamentary Kings. Passing to the distinction itself between allegiance to the King and subjection to Parliament, Hamilton said that there were valid reasons for such a distinction. The people of America held their lands, by virtue of charters, from the King; they were under no obligation to Lords or Commons for them. "Our title is similar, and equal, to that by which they possess their lands; and the King is the legal fountain of both." But the chief reason was, that the colonists had the right to claim protection from the King of Great Britain. It had been said that they owed this to Great Britain. That was not true; the King, as executive, was the supreme protector of the empire. He it was who had defended the colonies; to him alone were the colonies bound to render allegiance and submission. "The law of nature and the British Constitution both confine allegiance to the person of the King." Calvin's case had so decided. That is, allegiance was "confined" to a "person" who simply bore the name and title of King of Great Britain.

Hamilton made no reference to the fact that the Stewart Kings, under whose charters most of the colonies held, had claimed authority above Parliament, probably because in the contest with Charles I the colonists mainly were with Parliament; and he was replying to Seabury, not to Galloway, who wrote perhaps a little later. With Galloway's argument before him for answer, there can be little difficulty in supposing that Hamilton would have alluded to the professions of the Stewarts. Was it true, he would have been likely to say, that the Stewart Kings affixed the great seal to the charters as representatives of another? And even if they had forgotten, for the moment, the divine right of Kings, could any King, by using the great seal, or in any other way, without sufficient notice to the grantees, constitute himself a representative of others, to the prejudice of the grantees?

This part of the subject may be closed with a statement of the chief resolutions of the Continental Congress, of the year 1774, as the final summing up of the whole case. In virtue of the three sources of right above considered, the Congress resolved — First, that the inhabitants of the British colonies in North America were entitled to life, liberty, and property, and that they had never ceded to any foreign power whatever

a right to dispose of either without their consent. Secondly, that their ancestors, who first settled the colonies, were at the time of their emigration entitled to all the rights, liberties, and immunities of free and natural born subjects within the realm of England. Thirdly, that by such emigration they had not forfeited, surrendered, or lost any of those rights, but that they and their descendants were entitled to exercise and enjoy all such of them as their local or other circumstances would permit. Fourthly, that the foundation of English liberties and of all free government was a right in the people to participate in their legislative council; and as the English colonists were not represented, and from their local circumstances could not properly be represented, in Parliament, they were entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation could alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as had been theretofore used and accustomed. But from the necessity of the case, and from a regard for the mutual interests of both countries, the colonies cheerfully consented to the operation of such laws of Parliament as were *bona fide* restrained to the regulation of their external commerce, excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America without their consent. Fifthly and Sixthly, that they were entitled to the common law, and to such English statutes as they had by experience found applicable to their several localities and circumstances. Seventhly, that they were entitled to all the immunities and privileges granted and confirmed to them by royal charters and secured by their own provincial laws.

Several resolutions followed pertaining to other grounds of complaint.

(iv) General Objections

There were certain objections to the American position which applied alike to all claims of exemption from the authority of Parliament. One was that the colonies as members of the empire ought to contribute to the support of the general government. Thus the money laid out by Great Britain in establishing and protecting the colonies, especially in the late war with France, gave to the government a right of compensation in taxes. This objection was answered by many of the Whig writers. Governor Hopkins, writing in 1765, considered that there was no foundation for the claim. As for the late war, many of the colonies, especially those of New England, took the charge upon themselves entirely. The same was true of the expenses of protection against the savages and other enemies, for a hundred years. The colonies had been called upon indeed to raise men and send them out for the defence of other colonies, and even to make conquests for the Crown. They had dutifully obeyed, until all Canada and even Havana had been

conquered. They had responded cheerfully, but they reaped no benefit: everything obtained belonged solely to Great Britain. As for bearing a share of the general expenses of government, was it not enough that the colonies, of themselves, supported a government as expensive to them as was the internal government of Great Britain to its inhabitants? And had they not always responded cheerfully when called upon by the Crown? Why then distrust them now?

Dulaney too pointed out that the British Ministry, in the time of the late war with France, so far from thinking it proper for the House of Commons to "give and grant" the property of the colonists to support the war in America, had directly applied to the colonies to tax themselves; and he added that they had promised to recommend Parliament to reimburse the colonies in the expenses they had borne, a promise which was made good.

Hamilton, in 1774, referring to claims upon the colonies for the support of the British navy, because of its protection of America, replied that Great Britain enjoyed a monopoly of the trade of the colonies. The colonies were compelled to trade with the mother-country, and the profits were a great source of wealth to her; were not these sufficient recompense? Franklin's answer, as will be seen below, was that Great Britain was entitled to a toll or duty for guarding the seas.

Another objection was, that a power of regulation by government was a power of legislation; and a power of legislation must be universal and supreme. The conclusion drawn was, that as the colonies had acknowledged the power of Parliament to regulate their commerce, they had thereby acknowledged every other power of legislation by that body. Dickinson answered that the objection was based upon confusion. There was a time when England had no colonies; trade was the object for which they had been encouraged. Love of freedom was a chief motive of the adventurers: the connexion of colonies with the parent-State was a new thing in the English laws. That the rights of England extinguished the rights of the adventurers — rights essential to the freedom they would have had, had they stayed at home — was against reason, humanity, and the constitution of England. Colonies could not have been planted on such terms. The colonists simply claimed what they would have had had they never left England. But there was another principle touching trade. All the power of Parliament could not regulate trade at pleasure. It had to be regulated by treaties and alliances formed by the King, without the consent of the nation, with other States. When a universal empire was established, and not till then, could regulations of trade properly be called Acts of the supreme legislature. But let it be admitted that the power to regulate trade is vested in Parliament. Still, commerce rested on concessions and restrictions mutually stipulated between the different powers of the world. How the people of England shall trade must be determined by Germans, Frenchmen, Spaniards.

The right of acquiring property depended on the rights of others; the right of acquired property solely on the owner. Why should this right be sacred in England, and an empty name in the colonies? From the principle stated arose the power of England; should that power now be exerted in suppression of the principle?

Dulaney, Hamilton, and others pointed out that the past regulations of trade plainly were not taxation. The whole remittance from all the taxes in the colonies, on an average of thirty years, had not amounted to £1900 a year, of which not above £800 had been remitted from North America; while the cost of the machinery necessary to collect the sum amounted to £7600 a year. It would be ridiculous to suppose that Parliament would raise a revenue by taxes in the colonies, when to collect them would cost three times the amount of revenue.

But how could any distinction be made between legislation generally and legislation over commerce? The nature of the Act must, Dickinson answered, determine whether the object was to raise revenue or to regulate trade. Sometimes it might indeed be difficult to decide, and in a case of doubt it would be wise to submit. It signified nothing that certain taxes were called external; although the duties lately imposed on paper and glass had been thus distinguished from those of the Stamp Act. There was no distinction in fact between the two. Parliament had no power to lay any tax whatever on the colonies; and a tax was a burden laid for the sole purpose of raising revenue, under whatever name. Otis, who also had denied the distinction, put the case thus: the tax on trade is a tax on every one concerned in it, or it is not. If it is not, it is unequal. If it be said that such a tax is an equal tax on all, what becomes of the distinction between external and internal taxation?

Duties imposed in the regulation of trade were however sometimes called external taxes. In that use of the term the question whether there was any distinction between duties or "external taxes" imposed in regulating trade, and internal taxes, was put to Franklin on his examination by the House of Commons, 1765, in regard to the repeal of the Stamp Act. "I never heard any objection," Franklin had said, "to the right [of Parliament] of laying duties to regulate commerce; but the right to lay internal taxes was never supposed to be in Parliament, as we are not represented there." Could he name any Act of Assembly, or public Act of the colonial governments, that made such a distinction? "I do not know," was the reply, "that there was any. I think there was never an occasion . . . till now that you have attempted to tax us. That has occasioned resolutions of Assembly, declaring the distinction, in which I think every Assembly on the continent . . . has been unanimous." "Now can you show that there is any kind of difference between" external and internal taxes "to the colony on which they may be laid?" "I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost and other

charges on the commodity, and when it is offered for sale makes part of the price. If the people don't like it at that price, they refuse it ; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives. The Stamp Act says, we shall have no commerce, make no exchange of property, . . . neither purchase, nor grant, nor recover debts, . . . neither marry nor make our wills, unless we pay such and such sums. . . ." "But supposing the external tax or duty to be laid on the necessaries of life imported into your colony, will not that be the same thing in its effects as an internal tax?" "I know not a single article imported into the northern colonies but what they can either do without or make themselves. . . ." "If an excise was laid by Parliament, which they might avoid paying, by not consuming the article excised, would they not then object to it?" "They would certainly object to it, as an excise unconnected with any service done, and as merely an aid which they think ought to be asked of them, and granted by them, if they are to pay it, and can be granted for them by no persons whatsoever whom they have not empowered for that purpose." "You say they don't object to the right of Parliament to laying duties on goods, to be paid on their importation ; now is there any kind of difference between a duty on the importation of goods and an excise on their consumption?" "Yes, a very material one ; an excise, for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours ; you maintain by your fleets the safety of navigation in it, and keep it clear of pirates. You may therefore have a natural and equitable right to some toll or duty on merchandise carried throughout that part of your dominions, towards defraying the expense you are at in ships to maintain the safety of that carriage."

For similar reasons, Franklin said, the post-office was not a tax on the colonies ; postage was payment for service done, and no one was compelled to pay if he did not choose to receive the service. Dulaney thought the establishment of the post-office came nearer to being a tax than any other regulation of trade ; but still it was materially different. For the same reason that an Act of Parliament was necessary to secure the discipline of the provincial troops acting with those of Great Britain in the late war with France, the authority of Parliament might be properly exercised in establishing a regular post-office. All the laws of each colony were confined to that colony, and therefore local prohibitory and coercive clauses designed to enforce a general obedience, without which the scheme would fail, might be eluded. This matter of the post-office might then be referred to the general superintending authority of the empire.

(v) Conclusion

Such were the three great grounds of complaint of the colonies against England ; such the arguments supporting and opposing them in America. The patriot party, to sum up the case, believed that the true basis of the relation of the colonies to the parent-State was equality in all respects consistent with the relation. No single part, even though far greater than another, was entitled, in virtue of its greatness, to make laws for a smaller part. What control the greater might rightfully exercise, on the footing of being the superior in government, depended upon the nature of subordination of the smaller. When powers compatible with the relation between the two might be exercised by the less without injury to that relation, the greater had no right to interfere. The line, then, appeared to lie between things that were necessary or proper for securing the dependency of the colonies, and things that were not. So held Dulaney ; so the Whigs generally ; so held some of the loyalists. The effect was, that Parliament was entitled to act, when entitled at all, only upon the colonies, as political bodies, not upon the citizens of the colonies, except incidentally under regulations of commerce or other external affairs ; though what the King might do, in virtue of the allegiance to him, was another question.

The people of the colonies and Great Britain were equally important to each other ; each must suffer with the misfortunes of the other. Commerce therefore should be as free as the relation justly permitted. What difference to England, said Dulaney, whether the merchants who carried on trade in commodities not wanted in England lived in Philadelphia or in London ? The balance of trade due in England was equally well discharged. The colonists ought not to be restrained in their pursuits and interests, said Governor Hopkins, but for the manifest good of the whole people ; they should enjoy equal freedom with the people of the mother-State. In particular, they ought to have ample notice of any new measure proposed by government, which would affect their interests, so that they might give to government the benefit of whatever knowledge they possessed.

Even the staunch loyalist Galloway agreed to all this. According to him, the colonies were not upon their rightful footing ; there was one great lack, already noticed ; "some new provision . . . should be adopted," "some constitutional union between the two countries," to put the colonies right, to give them a share in making the laws. In other words, the true idea of the colonial relation was equality, according to the nature of the case.

The Whigs drew this doctrine from the proposition, stoutly maintained by them, but as stoutly denied by loyalists, that all men are born equal ; that superiority is acquired only, not innate ; and that government and governors are only set up for the good of the people.

Pamphlets poured forth in a constant stream from Whig and loyalist press; newspapers were filled with articles on the one side and the other from a thousand sources. But a time came when there was an end of sober, or at least of mutual, discussion. The "force of argument" gave way to the "argument of force" at Lexington and Bunker Hill; the loyalists withdrew sullenly from the contest; and now, true to the grim facts of history, patriots, from haters of persecution, turned persecutors; they pillaged the houses of loyalists, and harried the inmates out of the land. Still, though the Whigs were trooping to war, it was not yet to win independence, but only to defend and maintain the colonial theory they had so long championed. They were still ready for concession and reconciliation; they would reject Lord North's great proposal of autonomy, only because it was not to be permanent. Another year was necessary to convince them that their cause, as colonists in the colonial relation they upheld, was hopeless.

A young Englishman, somewhat discredited in his native land, whence he had lately arrived, must publish the news to America, far and wide, that kings were an abomination and a sin, and hereditary succession an evil even more than an absurdity. Paine could quote Scripture at such a time with telling effect. "Your wickedness is great, which ye have done in the sight of the Lord, in asking for a king." At last the people in their distress cry unto Samuel, "Pray for thy servants unto the Lord thy God, that we die not, for we have added unto our sins this evil, to ask a king." The notion too that hereditary succession had saved people from civil wars was the most bareface falsehood ever imposed on mankind. Monarchy and succession had laid the world in blood and ashes.

No pamphlet was so timely, none had such an effect, as Paine's *Common Sense;* which was to sweep away, for the time, all the vain arguments about constitutional law and government. Amidst general doubt everything was ready, and *Common Sense* struck the note. The people were called upon to come out and separate themselves from kings. "O ye that love mankind; ye that dare oppose not only the tyranny but the tyrant, stand forth; every spot of the old world is overcome with oppression. Freedom hath been hunted round the globe... England hath given her warning to depart. O receive the fugitive, and prepare, in time, an asylum for mankind."

A few months later, by midsummer, 1776, the Continental Congress was ready, and found the country ready, to declare independence.

The Declaration of Independence is a short and somewhat rhetorical statement of the case of the colonies, and of their determination to separate from Great Britain. A virtual preamble recites that "a decent respect to the opinions of mankind" requires a declaration to the world of the causes of separation. Then comes a summing-up of Whig doctrine. "We hold these truths to be self-evident, that all men are created

equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness ; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness." The statement follows that "Prudence indeed will dictate that governments long established should not be changed for light and transient causes."

The foregoing makes up the constitutional part of the document. The rest is a statement of grievances against, chiefly, the King of Great Britain, of the vain appeal to the "native justice and magnanimity" of "our British brethren," and then the solemn declaration that "these United Colonies are, and of right ought to be, free and independent States ; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved" ; and that they have full power to do all acts "which independent States may of right do."

The Declaration, with some slight alterations introduced in committee, was by the hand of Jefferson.

CHAPTER VII

THE WAR OF INDEPENDENCE

THE Congress of 1776, in issuing its famous proclamation, not only declared the colonies independent: it invited and authorised each of them to form a constitution. Happily for the colonies, that was a process which involved no revolutionary change. All that was needed was to place all the colonies, or, as we may now call them, States, on the same footing as Connecticut and Rhode Island by making the Governor and Council, who had hitherto been the nominees either of the Crown or the Proprietor, elective. The sovereignty of the Crown was an external force, standing above and outside the ordinary action of government. It could be removed without deranging the machine.

The real weakness of the colonial cause lay in the lack of any coercive powers whereby Congress could enforce its wishes on the various State governments. The colonists, just emancipated from one form of central authority, shrank from placing themselves under another; and the attempt to formulate a really effective federal constitution called forth so much distrust and jealousy as to make it clear that the mere attempt would be fatal to union. A constitution was drawn up, investing Congress with military and diplomatic powers; but no fixed conditions were imposed as to the number and proportion of representatives. The general charges incurred by Congress were to be met by a voluntary contribution from each State; but no coercive machinery of any kind was provided whereby such a contribution could be exacted. An American statesman at a later day might well denounce the original Federal Constitution as "a rope of sand." The central government had to rely on the spontaneous loyalty of its subjects, a loyalty which waxed cold under the prolonged strain of war. Whenever its interests came into conflict with those of an individual State, the latter was sure to prevail. In engaging soldiers the State governments outbade Congress; and the ablest men preferred serving their State legislatures to attending Congress. This danger was increased by an article in the Federal Constitution, which allowed any State to change its delegates as often as it pleased during the session of Congress

—a system fatal to continuity of policy and to administrative experience. Yet, from a military point of view, this had its good side. If State independence crippled the American cause when it needed central and collective action, it enhanced the difficulties of piecemeal conquest and occupation. Over and over again it fell out that, as soon as the British army had left a conquered district where all resistance seemed to have been stamped out, the national party reasserted themselves in full vigour.

But the greatest immediate advantage secured by the Declaration of Independence was that it put the United States in a position to negotiate openly for foreign alliances. The foreign affairs of France were now in the hands of the Comte de Vergennes, a clear-sighted, ambitious, and energetic politician. It was certain that he would lose no chance of wiping out the disgrace and redeeming the losses of the Seven Years' War. So early as 1775 it was known that French emissaries, not formally authorised, were in America sounding public opinion. For some time there had been private negotiations, in which the actors were, on the French side, Beaumarchais, best known to posterity as the author of the *Mariage de Figaro*, and on the American side, Arthur Lee. At a later stage of affairs Lee's factious egotism was a serious hindrance to the diplomatists with whom he had to work; but he had been educated at an English public school, and thus enjoyed special facilities for studying English opinion and carrying on intrigues in England.

In 1775 Congress appointed a Committee of Secret Correspondence. Early in 1776 that committee authorised a commission to go to France to purchase arms, ammunition, and clothes. The commission was vested in Silas Deane of Connecticut, a shrewd man of business. The transactions were necessarily secret, and it is therefore hardly possible to ascertain the extent of the help given by the French government; but it seems certain that Vergennes connived at the purchase of supplies and arms, and that the King advanced money for that purpose. After independence had been declared, Congress was able to approach the French government more openly; and Lee and Franklin were associated with Deane. Lee's vanity and irritable jealousy made him a most embarrassing colleague. The selection of Franklin, on the other hand, was a most fortunate one. He was a thorough man of the world, who could yet pass himself off as a model of that republican simplicity which it was the fashion in France to admire, while his eminence in natural science fell in with what was then a popular taste in Parisian society.

It was unlucky for the Americans that they could not rid themselves of a superstitious reverence for the military experience of the Old World. Deane had not sufficient knowledge of men or of French life to exercise any discretion in his choice of French officers who volunteered for

America; and, with a few exceptions, among whom Lafayette was conspicuous, those who joined the American army were vain, exacting, and incompetent. The same exaggerated value for European soldiership had a direct effect on the American army itself. Lee and Gates, Washington's two chief subordinates in the early part of the war, had both served in the English army. Both were vain, shallow men, with little real devotion to the cause which they had embraced. There is much reason to believe that Lee, while holding a command in the colonial army, was actually carrying on a treasonable correspondence with the British government, and advising them as to military operations. No suspicion of dishonesty or disloyalty attaches to Gates; but his egotism made him the tool of unscrupulous men.

But in regard to the chiefs in control of affairs, whether at home or abroad, Great Britain was far worse off than America. Whatever may be our view as to the influence of individuals on the events of history, one may safely say that the mother-country in the struggle with her colonies was singularly unfortunate alike in her military administrators and her commanders. The Secretary at War was Lord George Germaine, a man whose own military career had been tainted with grave suspicion of cowardice, a cool formalist without the redeeming virtues of method and exactitude, and wholly incapable of inspiring colleagues or subordinates with any enthusiasm. The British commander-in-chief, Sir William Howe, had little but personal courage to recommend him. He was an inert, pleasure-loving man. What was worse, his sympathies were in a great measure with the colonists; and he had not learnt the simple lesson that, however desirable compromise and conciliation may be, the lukewarm conduct of a war is the worst possible way in which to obtain them. More than one of his proceedings can hardly be explained except on the theory that he dreaded a decisive victory: some actions of his opponents can hardly be explained unless we suppose that they knew and counted on his weakness. Of Howe's two chief subordinates, Burgoyne and Clinton, the former was a man of fashion with a taste for literature, with plenty of courage, many attractive qualities, and some military experience, but with none of the special gifts needed for the heavy tasks laid upon him. Clinton was probably a better soldier than either Howe or Burgoyne, but he seems to have had an unfortunate incapacity for effective co-operation.

In Great Britain the Declaration of Independence did less to consolidate opinion than might have been expected. Yet in truth those who had not been alienated by such proceedings as the Boston tea riot and the invasion of Canada would have been very illogical if they had been influenced by the frank avowal of a doctrine on which the colonists had been acting for some two years. Before the news of these events reached England, the Ministry had decided to make one

more attempt at a peaceable settlement. Lord Howe was sent out with a fleet to co-operate with his brother's army; but the two brothers were at the same time appointed commissioners to treat for peace. Franklin was their personal friend, and they began by sounding him on the subject. His answer was that, in his belief, nothing short of independence and indemnity for all injury done in the war would induce America to make peace. The Americans showed no wish to negotiate; and the only effect of this commission was somewhat to delay military proceedings, in which speed was all important.

Howe's first move was to secure New York, and with it the command of the Hudson. Washington, apprehending this, had posted his army in front of the city on a line of heights which runs nearly the whole way across Long Island. The position was well chosen, save that the American army, numbering about 15,000 men, was hardly large enough to guard it. On August 27, 1776, Howe attacked, and after some hard fighting routed the Americans; but deterred, as some have thought, by recollections of Bunker Hill, he forbore to assault the enemy's lines. The American loss had, however, been heavy; and two days later Washington evacuated his position and transported his whole army with their equipage across the East river, which separates Long Island from New York. The retreat was covered by a heavy fog; but even so, to have effected it wholly without loss does the greatest credit to Washington's power of organisation and command. Yet it is almost certain that if the pursuit had been followed up with energy, or if Howe had only utilised his command of the East river, and posted men-of-war there, the whole American army must have been captured or destroyed. With a British fleet in the East river and a British army occupying Long Island, it was clearly impossible for Washington to hold New York; and the town was evacuated on September 15. Again Howe threw away an opportunity by the slackness of his pursuit. Washington now posted himself on high ground to the west of New York. Thence too after some hard fighting he was dislodged, while at the same time the British position was strengthened by the capture of two American forts a few miles above New York, one on each bank of the Hudson. Washington now crossed the Hudson into New Jersey, hotly pursued by the ablest and most energetic of Howe's lieutenants, Lord Cornwallis, whose attempts to bring him to action were however baffled by dexterous and rapid movements.

In November Howe carried his whole army across the Hudson and posted them in winter quarters. He was blamed for dispersing his troops in small cantonments instead of at once occupying Philadelphia. It is possible that the difficulty of transporting supplies may have been a sufficient reason for this; but there was assuredly no excuse for entrusting Trenton, an important post, to the Hessians, whose ignorance

of the language and unpopularity with the colonists made it impossible for them to obtain intelligence. Washington saw that some bold stroke, leading to tangible and immediate success, was needed to restore that confidence which had been shaken by recent reverses. To this end he in person made a night-attack on Trenton and, surprising the division of Hessians, many of whom were engaged in plundering, carried off a thousand prisoners and a considerable number of cannon. Some operations followed, in which Washington, while avoiding a decisive battle, contrived to obtain virtual command of New Jersey, a success to which the ill-feeling created by the pillaging and bad discipline of the British contributed not a little.

The campaign of 1777 began with some unimportant British successes on the Hudson, balanced by an American attack on an outpost on Long Island, in which ninety prisoners were taken and a large quantity of stores destroyed. In August, 1777, Howe obtained the first decisive success that had attended him since the battle of Long Island. He landed his main army at the head of the Elk river, opening into Chesapeake Bay, and advanced on Philadelphia. Washington posted himself to cover the town, with the Brandywine, a tributary of the Delaware, in his front. Lord Cornwallis crossed the upper fords of the stream and attacked and defeated the American right; and in the general action that ensued the colonists were routed with considerable loss. A resolute pursuit might have brought about the entire destruction of the American army; but Howe was content to advance cautiously, and was suffered to occupy Philadelphia without resistance.

The town was garrisoned only by a detachment under Cornwallis, the bulk of the British army being posted at Germantown, a village about three miles from Philadelphia. Howe was compelled somewhat to weaken his force by sending off detachments for isolated operations on the Delaware. This encouraged Washington to make an attack on Howe's position, which he carried out with a force of 8000 men, divided into five detachments. The attack was helped by a fog, and was at first successful; but the same cause which favoured the first attack made subsequent co-operation difficult. A portion of the British force occupied a large stone house from which they kept up a fire which ended in the discomfiture of the Americans. Here again Howe made no attempt to follow up his success. To attack an army strongly posted on ground of its own choosing with inferior and comparatively untrained troops, under such conditions that any failure in exact co-operation must lead to disaster, could only have been justified by the urgent necessity of some conspicuous success to wipe out the moral effect of the defeat on the Brandywine. Even so the venture furnishes a striking illustration of Washington's contempt for Howe's generalship. Before evacuating Philadelphia, the Americans had

impeded the navigation of the Delaware by various obstacles, and also by fortifying two small islands. These fortifications were reduced and the impediments cleared away. But the success, such as it was, was effected at so great a cost of life and after such delay that the moral discouragement went far to outweigh the material gain.

Meanwhile these qualified and incomplete victories were far more than outweighed by a crushing defeat of the British in another quarter. The one really brilliant success which, so far, had been obtained by the British army was the defence of Canada. Nevertheless Carleton was superseded in favour of Burgoyne, a man of undoubted personal courage, but immeasurably inferior to Carleton in every other quality of soldiership, as well as in colonial experience. A plan of campaign was arranged, probably on Burgoyne's suggestion, theoretically practicable, but so complex and so beset with difficulties of detail, and threatening, in the case of failure, consequences so disastrous, that any prudent commander would have shrunk from it. Burgoyne was to advance from Canada by the lakes and the upper Hudson. A co-operating force was to ascend the Hudson and join hands with him. Had the scheme succeeded, the result would have been to isolate the New England colonies. If, as a first step, the British had secured the control of the lower Hudson and then placed at or near Albany a force strong enough to keep in check any American troops that might endeavour to move in the direction of the lakes, the enterprise might have been feasible; but to adjust two simultaneous movements so far apart would in no circumstances have been easy; and the difficulty was enhanced by the character of the country in which Burgoyne had to operate. Whatever chances of successful co-operation there might have been, these were finally destroyed by a gross official blunder, through which the orders explaining the campaign to Howe were delayed and did not reach him till after he had committed himself to operations on the Delaware. The blame of this was laid, probably with justice, on Germaine.

In July, 1777, Burgoyne set out with close upon 3000 troops, including 500 Indians. Whatever might be Burgoyne's failings as a soldier, he was a humane and honourable gentleman; and his determination to restrain the ferocity of these allies led to disputes which rendered them a hindrance instead of a help. At the outset all went well. The Americans evacuated Ticonderoga. In their flight several of their boats were captured; and a detachment of Burgoyne's army under General Fraser overtook a portion of the retreating force, and bringing them to action, defeated them with heavy loss. When the descent of Lake Champlain was completed and it became necessary to advance by land, Burgoyne's difficulties began. Encumbered with heavy baggage and a large artillery train, he had to make his way through swampy forests. This was fatal in a case where everything depended on rapidity of movement. For now, as throughout the war, the British

were fighting not against an organised army, needing fixed bases of supply with regular communication, but against an armed population only wanting local pressure to call them into activity. As Burgoyne advanced, recruits kept pouring into the enemy's force from the farmsteads of Connecticut and New York, hardy and skilful marksmen, well fitted for the irregular, backwoods fighting which was before them. The American army was under the command of Gates. His military capacity was that of a second-rate and commonplace European soldier. Happily for the American cause he had under him Arnold, Morgan, and Starke, three subordinates not only of extraordinary daring, but also possessing a full comprehension of the task before them and of the special qualifications of their troops.

To secure his line of march, Burgoyne threw out two strong flanking bodies, one to the north-east to act in Connecticut, the other up the valley of the Mohawk in New York. With strange lack of judgment, and in defiance of the remonstrances of his ablest subordinate, General Fraser, Burgoyne chose for the former task a German regiment, known to be slow marchers and certain to be hindered by their ignorance of English. They were met by Starke at Bennington and defeated, losing their commanding officer and their artillery. A second German force, sent to support them, fared no better. The discomfiture of the force in the Mohawk valley under Colonel St Leger was less conspicuous and less humiliating, but hardly less complete in its practical effects. In his first encounter with the Americans at Oriskany he was successful. But the main object of the expedition, the reduction of Fort Stanwix, was frustrated by the desertion of the Indian allies, the lack of siege artillery, and the unexpected arrival of Arnold with a relieving force of 2000 men.

On September 13 and 14 Burgoyne crossed the Hudson near Saratoga and advanced along the right bank. There on September 19 he was attacked, losing about 600 men and inflicting equal loss on the enemy. In the meantime the Americans had thrown a force across Burgoyne's rear, which intercepted his supplies at the foot of Lake George, while at the same time they made an unsuccessful attack on Ticonderoga. Burgoyne's position was now deplorable. His Indian allies deserted in a body. His horses were dying for lack of forage. There were no tidings of any British force advancing from the east. Yet the bare possibility that Clinton might be on his way forbade him to retreat, while every day's delay made retreat more hopeless. All that he could do was to entrench himself, and hold out as long as supplies lasted, in the faint hope that the advance of Clinton or some unlooked-for turn of events might bring relief. On October 6 Burgoyne decided to retreat, and, with a view to clearing the way for his main army, advanced with a detachment of 1500 men against the enemy's lines. The Americans, however, acted on the offensive. Burgoyne was driven back within his

lines and a fierce attack was made, in which part of the entrenchments were stormed, and many of the British, among them some of Burgoyne's best officers, fell. Two days later Burgoyne succeeded in moving a few miles to the rear. But every step that he took was attended with loss of equipage, supplies, and, what was most valuable to the captors, ammunition. Burgoyne's force had now shrunk to 3500 men, hardly a fourth of the American army, which was daily increasing. Only about eight days' provisions remained, and the total destruction of Burgoyne's communications made it impossible to obtain further supplies. On October 13, 1777, he opened negotiations for a surrender, and on the 16th these were completed.

Burgoyne's conduct was, at his own request, made the subject of a parliamentary enquiry. His main error no doubt was the immense train of artillery with which he encumbered himself. It is clear too that there was no cordial co-operation between Burgoyne and Carleton, who still remained governor of Canada. Burgoyne might also be justly blamed for want of care in maintaining his communications, inasmuch as the failure of the co-operating force might at any time make a retreat necessary. Yet the main blame must attach to those who planned a combination attended with such manifest difficulty, and took no special measures to guard against failure. Some minor successes on the lower Hudson were no compensation for Burgoyne's defeat. By combined action of the fleet and land force, and by conspicuous courage on the part of the British soldiers, two strong forts on the right bank of the Hudson were seized and the navigation of the river was secured.

Important as was the surrender of Saratoga from a military point of view, its political effects were still greater. The doubts which the French government had felt as to taking up the American cause were removed; and on February 6, 1778, two treaties were signed by the representatives of France and the United States. The first bound the two nations to commercial unity, and pledged each to protect the ships of the other. The second provided that, if the first treaty led to hostilities between France and England, there should then be an offensive and defensive alliance between France and the United States, and that neither should make peace till Great Britain had acknowledged the independence of the colonies. The difference between an open alliance and that covert help which France had hitherto given to the United States was of vast importance. The command of the sea was an indispensable condition of British supremacy over the colonies. If once that command should cease to exist, even for a short space, a decisive military blow might shatter the British power in America beyond hope of recovery.

Yet the victory at Saratoga was not all gain. To shallow thinkers it suggested a contrast between the brilliant and decisive success of Gates and the cautious strategy of Washington; and it thus furnished

material for a factious agitation, which, with a man less resolute and self-reliant and more susceptible of personal jealousy than Washington, might have had disastrous results. Indeed it might have seemed at the time as if all that had been won on the Hudson was to be thrown away elsewhere. After the engagement at Germantown, Washington established himself in winter quarters at Valley Forge, some fifteen miles from Philadelphia. Washington was no grumbler and no rhetorician, but in a letter to the President of Congress he describes his soldiers as "naked and distressed on a cold bleak hill," "sleeping under frost and snow without clothes or blankets." Meanwhile Howe had occupied Philadelphia. There his officers lived in sloth and dissipation; and when in May, 1778, he was superseded by a better soldier in Clinton, he was honoured by the solemn buffoonery of a sham tournament, in which André, not long afterwards the victim of a strange and tragic fate, took a conspicuous part.

Early in 1778 North made a further attempt at conciliation. He introduced into Parliament and carried two bills. One repealed the tea-tax, and declared that no duty should be imposed on any colony except for purposes of trade regulation, and that the proceeds of any duty so levied should be disposed of by the assembly of the colony in which the money was raised. The other Act appointed commissioners to negotiate, with authority to proclaim a cessation of hostilities, to grant pardons, and to suspend all Acts of Parliament passed since 1763. But when the commissioners laid these proposals before Congress, that body at once barred the way to negotiation by requiring an acknowledgment of American Independence as a first preliminary. The total failure of this attempt, followed as it immediately was by the declaration of the French alliance, put an end to any possibility of a peaceful settlement; and the only effect of the negotiation was to beget a feeling of discouragement among the colonial supporters of Great Britain.

From the beginning to the end of the war, the military policy of Great Britain was marked by a total absence of definiteness and continuity. Clinton's first step was to transfer his army from Philadelphia to New York. Had Washington been of the same temper as the British generals, there is little doubt that Clinton would have been suffered to carry out his march unmolested. Washington's lack of resources often drove him into what his detractors called a "Fabian" policy, but he never lost sight of the truth that the best defensive policy is often one of attack. On June 18, 1778, Clinton quitted Philadelphia. Washington hung on his line of march, harassing him with his advanced detachment. On June 28, near Freehold Court House, Clinton turned on his pursuers. Lee, who was in command of the American advanced guard, avoided an engagement; and, when Washington with the main body of his army arrived, Clinton resumed his march, and reached New York without further molestation. Lee's

conduct has been variously judged. A British military historian of authority, Stedman, himself a practical soldier, considers that Lee's caution saved the American army from defeat and possibly from destruction. On the other hand Washington held and forcibly expressed on the spot the opinion that an opportunity of striking a decisive blow had been thrown away. Documents which have come to light in comparatively recent times raise a strong probability that Lee was at this time in the confidence of the British government and acting in their interests.

The summer of 1778 witnessed an extension of the area of the war, and, as a consequence, a series of scattered and indecisive operations. Of these the most important in conception, though not in execution, was the joint action of the French fleet and an American land-force against Rhode Island. In December, 1776, the British had occupied Newport: the Americans however retained possession of Providence. Though trifling hostilities took place, no serious attempt was made for some time by either side to dislodge the other. But in the summer of 1778 the appearance on the American coast of a French fleet under Admiral d'Estaing gave the signal for active operations. A small British fleet lay off Newport, upon which the British forces depended for supplies and, in case of need, for assistance. D'Estaing's superiority in numbers enabled him so to hem in several of the British ships in the strait between the island and the mainland, that they were only saved from capture by being burnt. Fortunately for the British, a storm arose which dispersed D'Estaing's fleet, damaging it to such an extent that he insisted on going to Boston to refit. Thence he sailed to the West Indies without attempting, for the present, anything further. This defection compelled the Americans to abandon their designs against Rhode Island, and called forth an amount of mutual ill-feeling which almost threatened a rupture of the lately formed alliance.

The year 1778 also witnessed the extension of the war westward and southward. The western branch of the war, as one may call it, was so detached that it is simpler to deal with it collectively somewhat later. In the south there had been no regular operations since 1776. But bands of loyalists and fugitives from Georgia and the Carolinas had established themselves in Florida, then part of the British dominions, whence they harried Georgia, and were themselves harassed in turn. War was made a pretext for plunder; and, in consequence, the fighting in the south was from the outset marked by a ferocity and lawlessness which did not disappear even when the war assumed a more regular character. In the autumn of 1778 raids were made on each side: they were more deliberate and better organised than before, but had no lasting effect. Simultaneously Clinton was planning a regular expedition for the reduction of Georgia. Colonel Campbell, with a force of 3400 men, supported by a small squadron, was sent by sea to attack

Savannah ; while General Prevost, the governor of East Florida, was to co-operate from the south. An American force under General Robert Howe covered Savannah. The swampy nature of the ground gave great advantages to the defensive, but it made the American commander over-confident. A British detachment, guided by a negro along a path through a rice-swamp, fell on his flank, while at the same time the British artillery secured a post of vantage ; and the action resulted in the total defeat of Howe and the capture of Savannah with large stores. So expeditious were Campbell's movements that the victory was won before Prevost reached the scene of action. The whole of the southern bank of the river was secured as far as Augusta, a hundred and fifty miles above Savannah ; and the bulk of the inhabitants readily took the oath of loyalty and were formed into companies for the defence of the country.

Congress soon took steps to retrieve these defeats. A force was raised in the Carolinas and placed under the command of Lincoln, a general who had acquired some reputation in the campaign against Burgoyne. The British force was too small to guard a line of a hundred and fifty miles against the attack of a regular army ; and accordingly Augusta was abandoned. Lincoln, however, in his advance on Augusta, imprudently divided his force, with the result that Colonel Prevost, a brother of the general, with 900 men fell upon a detachment numbering about 2000 and utterly routed them, capturing arms, ammunition, and baggage, and driving those who escaped across the river, in which many perished. Lincoln was soon reinforced, and renewed his project of invading Georgia. General Prevost, instead of remaining on the defensive, at once replied by a counter-invasion of South Carolina. By threatening Charleston he succeeded in drawing off Lincoln from Georgia. Prevost however was not strong enough, either in men or artillery, to hazard an attack on Charleston ; and, after some unimportant operations along the coast, he withdrew to Savannah, leaving a detachment established at Beaufort on the coast of South Carolina. The security of the British alike at Savannah and Beaufort depended on the command of the sea. Accordingly the governor of South Carolina invited D'Estaing, who had just obtained some success in the West Indies, to co-operate with Lincoln against Savannah. Prevost, on hearing of the intended attack, at once blocked the river by sinking six vessels, and called in his detachment at Beaufort. This force, under the command of Colonel Maitland, succeeded by great energy in evading the French and making its way through swamps and shoals to Savannah. The French landed 5000 men, and were joined by Lincoln with as many more ; whereupon the combined force laid siege to Savannah. Here, however, as at Rhode Island, jealousy and ill-feeling prevented hearty co-operation ; and after an assault, courageously repulsed, the siege was abandoned.

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During the summer of 1779 other operations of a desultory kind went on against the northern and middle colonies. The British, using New York as their base, made a raid into Connecticut, carrying off and destroying stores. A naval expedition of the same kind against Virginia was even more successful, the captures in stores and shipping being reckoned at half a million of money. Clinton also, by the capture of various posts, established his control on the Hudson for about fifty miles above New York. One of these however, Stony Point, was recaptured by a display of great daring on the part of Anthony Wayne, one of Washington's best officers ; and, though the place could not be held, yet the exploit did much to restore the confidence of the Americans, and to destroy the moral effect of Clinton's successes.

Though the American navy had never from the outset of the war been sufficiently strong or numerous to contend for the control of the sea, yet it had done much, by intercepting convoys and merchantmen, to increase the difficulties of the British. In the spring of 1778 one of the most daring of the American sea-captains, Paul Jones, had landed on the coast of Scotland, doing some damage to private property, and in a sea-fight off Scarborough had captured two British vessels. In July, 1779, the government of Massachusetts organised an expedition of 19 sail, with 3000 troops in transports, to attack the British settlement at Penobscot, on the coast of what is now New Brunswick. The attack was frustrated by the appearance of a British squadron. The invading force was driven ashore, and suffered heavily in their retreat through a wild and ill-provided country.

Throughout the whole course of the war the ferocity displayed increased in proportion to the remoteness of the locality. Not only were the outlying inhabitants on the frontier less amenable to control, but they had grown up in habits of violence and had learnt to hold their own lives and those of others cheap. Moreover it was on the frontier that the Indian alliance really became an effective aid ; and, when the spirit of savagery had been once introduced, the desire for retaliation made it wholly impossible to keep within the bounds of civilised warfare. During 1778 parties of Indians, assisted by frontier men hardly less barbarous, harried the western portions of New York and Pennsylvania. Few incidents of the war did more to embitter American feeling against the British. In 1779 Congress took resolute measures to deal with this trouble. A force of 2100 men was sent into the Wyoming valley, the scene of the worst Indian outrage. The Five Nations, against whom the attack was directed, came nearer than any other Indian tribes to the condition of a settled community, and were therefore more open to injury by invasion. They occupied substantial fortified villages of wood, surrounded by orchards and cultivated fields. But the American army met with no effective resistance, and the country was turned into a wilderness.

In the meantime a contest of the greatest importance to the future of the United States was being waged in the west. The conquest of Canada had transferred the Ohio valley from France to England. The two great motives which had stimulated the more far-sighted of the colonists to take up an aggressive attitude against France were the danger from Canada itself, as a base for Indian raids, and the dread that French occupation would form a belt round the colonies from the mouth of the Mississippi to the Canadian lakes, and thus bar the possibility of expansion westwards. If America and Great Britain were to be hostile or even separate powers, these dangers would revive.

That the Ohio valley became American and not British territory was due mainly to the clear sight, the enterprise, and the military ability of one man, George Clarke. Fortunately too for America, there had come into existence a border population pre-eminently fitted for the task before them. From 1769 onward there had been a steady influx of settlers, mostly from Pennsylvania, into the territory which is now Kentucky and Tennessee. The settlers were frequently, if not mainly, Presbyterians from the north of Ireland, gifted with the more than Scottish stubbornness, tenacity, and self-reliance of their race. The conditions of their life were such that the law of the survival of the fittest operated with full force. Constant danger from Indians begot watchfulness, resource, and merciless hatred for the savage : and this hatred was naturally extended to the British government, which in that quarter had been making full use of the savage alliance.

During 1776 and 1777 continuous raids were made on their newly-formed settlement. Early in 1778 Clarke conceived the project of a counter-attack, not a mere raid, but a conquest and political occupation of the Ohio valley. To effect this, he reckoned on the neutrality if not the good-will of the French inhabitants. Resolute though the border settlers were in the defence of their homesteads, yet they were primarily a population of farmers struggling hard for subsistence, and therefore unavailable for a long campaign far from their homes. A few of the more strenuous and adventurous joined Clarke ; but he had to raise his main force in Virginia, having obtained from the government of that State approval of his scheme, though very little in the way of practical support. With less than two hundred men Clarke advanced stealthily on Kaskaskia, a settlement where the French inhabitants appeared so loyal to their new masters that the fort was entrusted to a French garrison. The surprise was completely successful : the place was seized before the garrison could take any action. Not only was Kaskaskia secured, but the whole of the neighbouring population transferred their allegiance to the Americans, and proceeded to organise themselves under Clarke to repel a British invasion.

Clarke's merits as a commander did not end with his sagacity in designing a scheme of conquest, or his promptitude in executing it.

Even more extraordinary was that control over his troops which restrained them, composed and trained as they were, from any act of outrage which could alienate the inhabitants. Moreover, by diplomacy and by the sheer force of a superior mind, he succeeded in securing the neutrality of the neighbouring Indian tribes. In the following winter (1777–8), Hamilton, the British commander at Detroit, headed an expedition and re-occupied Vincennes, one of the towns which had submitted to Clarke, but which he had been compelled to leave in the hands of a French garrison. Two hundred and forty miles of wilderness separated Clarke at Kaskaskia from the enemy. Nevertheless, regardless of the season, he set out early in February, 1778, and invested the fort at Vincennes, which was occupied by Hamilton. With the active support of some of the inhabitants and the friendly neutrality of the rest, Clarke reduced Hamilton to surrender. The Ohio valley was thereafter the scene of raids and desultory fighting, but till the end of the war it remained *de facto* American territory.

The conduct of the French population recalls the successive conquests of New York and the tranquil acquiescence with which the Dutch population were handed backwards and forwards. It is clear that while on the whole their sympathies were with the Americans, those sympathies were not strong enough to nerve them to anything like a sustained effort. Their attitude might have been widely different if there had been on the British side a commander gifted, like Clarke, with the instincts of a born leader.

The campaign of 1780 opened with an attack by Clinton on the hitherto impregnable fortress of Charleston. The situation of the town, strong from one point of view, has an element of weakness. It is connected with the mainland by a swampy neck, difficult to cross in the face of an effective fire, especially for a force encumbered with siege artillery. On each side of the town is a navigable river — the Cooper on the northern side, the Ashley on the southern — giving water-communication with the inland country. In proportion to the size of the harbour, the entrance is narrow. Given a sufficient superiority of naval power to keep up communication with the sea and sufficient command of the inland country to harass and impede a force endeavouring to cross the neck, the position is one of absolute security. But let an enemy once get possession of the neck and of the mouth of the harbour, and the city with its garrison must be doomed; for the same swampy conditions, which make the neck difficult to occupy, render the position of a blockading force, once established there, secure. The fate of the town was virtually sealed when the American naval commander, who lay at the mouth of the harbour, retreated to Charleston, sending some of his ships to block the mouth of the Cooper river. The British fleet then entered the harbour. Clinton was now rendered independent of any landward communication. He was able to operate freely by detached

parties against the American communications, to cut off any troops that were coming to their assistance, and thus to advance his siege-works on the neck unmolested. Defence was clearly impossible; and on May 12, 1780 the garrison, numbering 5000 soldiers and 1000 seamen, with 400 guns, surrendered. The British loss was estimated at about 250 killed and wounded.

The capture of Charleston changed at once the scene and the character of the war. The two remaining campaigns were mostly fought out on the soil of the Carolinas. The nature of the country, woody, swampy, and even at the present day insufficiently provided with roads for heavy traffic, made it scarcely possible to move large forces. Consequently the war was more and more fought out by small bodies of men lightly equipped; and knowledge of the country and rapidity of movement became of primary importance. Moreover, the British commanders were able in the south to do what elsewhere had been, save in very small measure, impracticable, namely, to draw on the population for reinforcements. There was, it is true, no widespread loyalist feeling. Over and over again British generals found that the promise of local support was a reed which pierced their hands when they leaned on it, and that pardoned rebels relapsed wholesale the moment that British protection or control was withdrawn and pressure was applied from the other side. Still the loyalists were strong enough to give to the struggle something of the character of a civil war. This, coupled with the difficulty of enforcing discipline among small parties scattered over a wide country, induced in the southern campaigns a ferocity unknown in other quarters. It is scarcely possible to apportion the blame judicially, quite impossible to acquit either party altogether. On both sides there was a tendency to claim the rights of belligerents, while meting out to enemies the treatment of rebels. Much too was done by irresponsible persons for which neither party can fairly be blamed. War was made the pretext for acts of rapine and brutality.

It is not however to be thought that this guerilla warfare was the sole or even the chief part of the war in the south. On the contrary, the campaigns of 1780 and 1781 in the Carolinas are from a military point of view the most interesting of the whole war. Hitherto we have seen on one side inert and half-hearted generals, on the other an ill-provided and imperfectly disciplined army with which a commander could only venture on defensive or partial movements, never attempting any comprehensive policy of attack. Now for the first time we find face to face two well-seasoned armies, each under a daring and skilful leader. On the British side Cornwallis had already shown that he had fully grasped the truth, so imperfectly understood by his colleagues, that, if the rebellion was to be crushed, it must be crushed by a resolute, persistent, and quickly moving policy of attack. His opponent, Nathaniel Greene, was beyond doubt the best commander, except

Washington, that fought under the American flag. He had devoted himself to the literature of his profession, and in technical skill was probably little if at all inferior to Washington, as he was certainly not inferior to him or to any other man in personal courage. Where he fell short of his chief was in force of character and administrative capacity. His kindliness and simplicity of nature always won the love of his subordinates; he sometimes lacked the strength of will needful to win their obedience.

The individual battles of the campaign are, with perhaps one exception, of no very great interest. In no case did the ground give any great scope for tactical skill. The battles were for the most part matters of hard fighting, in which abundant courage was shown on each side. Usually the Americans had some numerical superiority, equalised by the better discipline and longer experience of the British. The real interest lies not in individual engagements but in the strategy of the campaign as a whole. To understand this, it is needful to have a clear comprehension of the physical peculiarities of the country. We may look on South Carolina as divided into parallelograms, separated by rivers, each fringed by wide belts of morass. For troops to cross these obstacles, even in small parties, great care and local knowledge were requisite. The transport of artillery and stores was out of the question. Moreover, the unhealthy nature of the climate made prolonged sojourn in the lower districts impossible. Further inland the rivers branch into smaller streams, the soil becomes firmer, and the air more wholesome. Thus, throughout the campaign we see each combatant endeavouring to shoulder his opponent eastward and to secure the advantage of the more traversable country.

Immediately after the fall of Charleston, Clinton sent Cornwallis to cut off a body of troops under Colonel Burford, who, having arrived too late to join his countrymen at Charleston, was on the north bank of the Santee river. Burford fled inland. Cornwallis pursued him for some way with his whole force, but finally detached Tarleton, a vigorous commander of light horse, in pursuit. Tarleton overtook Burford at Waxhaws on the border of North Carolina and cut his whole force to pieces. It was said that he refused quarter; and the recollection of his alleged ferocity did much to embitter feeling. The disaffection of the inhabitants was further increased by Clinton's administrative policy. He issued a proclamation stating that all loyal subjects would be expected to serve in the militia if required. At first he allowed his prisoners to remain at liberty on parole, but he subsequently cancelled the paroles and required as a condition of freedom a declaration of loyalty, involving the obligation to serve under the British flag. The result was that the ranks of the militia were largely filled with disaffected men; and many who, if their paroles had been continued, might have remained neutral, felt no scruple about breaking an oath thus extorted.

In June, 1780, Clinton returned to New York, leaving Cornwallis in command in the Carolinas. He established his head-quarters at Camden, and was there joined by about 800 loyalists from North Carolina. The American army, at the outset of the campaign, was under the command not of Greene but of Gates. At the head of about 6000 men, Gates advanced against Camden. At the same time about 800 of Cornwallis' men were on the sick-list at Camden, while his communications with the coast were in serious danger from Sumpter, one of the most venturesome and able of the American guerilla leaders. Cornwallis, risking his communications, drew in his outposts, left a weak garrison at Camden, and with the bulk of his force, about 2000 men, marched out, attacked, and utterly routed Gates. This was followed up by a minor success. Sumpter, immediately upon Gates' defeat, retreated. Tarleton was sent in pursuit, and marching with great speed overtook the enemy, cutting them to pieces and nearly capturing Sumpter.

These successes were, however, counterbalanced by a serious reverse in another quarter. Colonel Patrick Ferguson had greatly distinguished himself in the British service in the earlier part of the war. Not only was he a good soldier, but he possessed, what was rare in the British army, that versatility and inventiveness which enable a commander to adapt himself readily to new conditions. He was now sent by Cornwallis to organise an irregular force among the loyal inhabitants on the western frontier of the two Carolinas. Ferguson, unlike too many of the British leaders, was fully alive to the importance of conciliating the inhabitants and restraining excess. He succeeded in getting together an effective force, and, after various small successes, sent a message to the settlement in the extreme west that if the Americans there did not lay down their arms they would be dealt with as rebels. The action of the settlers illustrates the same truth as was shown by Burgoyne's defeat. The British might win pitched battles : it was a very different matter to keep in permanent subjection a hardy and courageous population trained to the use of arms. Ferguson's message, so far from striking terror, at once called into existence an armed force. The most remarkable feature of the matter was that there were no regular troops in the far west to serve as a nucleus, and no leader acting under the authority of Congress or of the State-government. Spontaneously some of the leading men gathered together a mounted force, armed with rifles, and marched eastward. They numbered about 1000 men, and were joined in the march by 250 North Carolina militia and some independent parties. At first it was proposed that the supreme command should be put in commission, so to speak, going in rotation among the recognised leaders. That, however, was found unsatisfactory; and by common consent the command was vested in Campbell, a Virginian.

Ferguson posted himself on the top of a hill in the range of which the chief point is King's Mountain. The position would have been a

strong one against regular troops attacking with the bayonet. But Ferguson seems to have overlooked the truth impressed on our own generation by the battle of Majuba Hill, that to skilled riflemen the lower position is no disadvantage. His force amounted to about 1000, a number probably somewhat less than that of his assailants, which had been augmented by reinforcements but depleted by departures. On October 7, 1780, the Americans made their attack. The fight lasted about an hour. Ferguson was shot down in the middle of the engagement: about 300 of the loyalists were killed or wounded; the rest, save a few who contrived to slip through, were captured. It is impossible to overrate the importance of King's Mountain battle in its effect on the coming campaign. The main American army was still hopelessly disorganised by Gates' defeat at Camden. If Ferguson could have secured the inland country, it is difficult to see what could have prevented Cornwallis from advancing through the Carolinas and Virginia and joining hands with Clinton. Another effect of the American victory was to bring back into the field Sumpter and another guerilla leader, Marion, both of whom harassed Cornwallis' communications, exhausted his cavalry, and intimidated British sympathisers.

Outside the Carolinas the most noteworthy event of the year 1780 was the almost successful treason of Arnold. He was in command of West Point on the Hudson, a place indispensable to the Americans if they were to maintain communications between New Jersey and the colonies north of the Hudson. After the evacuation of Philadelphia by the British, Arnold had been placed in command of the town. He had married a fashionable and extravagant wife, and had contracted expensive habits. Getting into money difficulties, he tried to extricate himself — so it was alleged — at the public expense. Thereupon he was tried by court-martial for jobbery, and convicted. Embittered and vindictive, he opened negotiations with Clinton for the surrender of West Point. The emissary chosen to conduct the negotiations on behalf of the British was Major André. On his way to visit Arnold André was captured by three militia men. He produced a pass signed by Arnold, and also strove to bribe his captors, offering them money and promising them preferment if they would join the British. This failed, but he contrived to inform Arnold of his arrest, and thus enabled him to escape to the British lines before his treason had been reported at head-quarters. André himself was tried by an American court-martial, sentenced as a spy, and hanged. There has been much discussion as to the legality of the procedure. The question practically turns on one point; was a pass valid if granted for a treasonable purpose by an officer engaged in treasonable negotiations? André was a man of attractive character, many accomplishments, and some literary taste; and his fate excited deep sympathy. Yet, in attempting such an enterprise, he took his life in his hands; and the

Americans cannot be blamed for exacting the full penalty according to the rules of war.

As a result of Ferguson's defeat, Cornwallis withdrew the main body of his force into South Carolina. A detachment of about 1500 men had been sent out from New York under General Leslie to join Cornwallis. Originally they were intended to advance by land through Virginia and join Cornwallis in North Carolina. Ferguson's defeat made this impossible ; and Leslie sailed to Charleston. Meanwhile Greene proceeded to take the offensive. He did not however feel himself strong enough for a general attack on Cornwallis. Accordingly he adopted the somewhat dangerous strategy of dividing his force and sending a strong detachment of about 600 men under Morgan to cut off supplies and interrupt communications, while his main body, of nearly 3000 men, moved cautiously through the upper country. To meet this Cornwallis detached a force under Tarleton to deal with Morgan, while he himself advanced, intending to intercept Morgan and then turn against Greene. On January 17, 1781, Tarleton met Morgan at a place called the Cowpens, and sustained a crushing defeat. Nearly the whole of his force were taken prisoners ; and the loss of the light troops crippled Cornwallis through the whole of his campaign.

In spite of his victory, Morgan fully understood the danger of his position, and he at once turned to rejoin Greene. If Cornwallis had been able to carry out his original intention, Morgan would have found a British force across his line of march. Cornwallis however did not feel strong enough to advance till Leslie, who was on his way from Charleston, had joined him. This delay enabled Morgan to escape. His retreat was facilitated by local knowledge and by an opportune rain which rendered the fords behind him impassable. It is to be noticed that the delay which saved Morgan was due to the necessity of sending Leslie round by Charleston ; and that itself was a consequence of Ferguson's defeat. The main body of the American force also retreated. Thus the three forces were pressing northward in what one may call a broad-arrow formation, with Cornwallis in the middle. When he reached the banks of the Catawla, Cornwallis, feeling that all turned on the rapidity of his pursuit, destroyed the whole of his baggage and stores except what was absolutely necessary. In acting thus he was practically staking the whole result on the double chance of intercepting and defeating Morgan, and then annihilating Greene's force. If he could sweep that army out of existence it might be possible to advance into Virginia, living on the country and forming bases of supply as he went along. To do this with an army hanging on his flank would have involved a terrible risk ; nor would the mere chance of cutting off Morgan's detachment without ulterior results have been worth the sacrifice. Yet it well may be that the calculation was sound. For if Cornwallis failed to catch Morgan, he might

as well at once fall back on his base ; and the loss of a few supplies would matter little.

The Catawla was crossed, with great boldness and some good fortune on the part of the British, since, through a blunder of their guide, they forded the river at a place for which they were not making and which was therefore left unguarded. On February 5, 1781, the two divisions of the American army met near Guildford Court House. Greene had hoped for a sufficient reinforcement of local militia to enable him to attack Cornwallis. But they failed to join him ; and, after a council of war, it was decided to retreat towards Virginia. Cornwallis still continued his pursuit of the united force, and with sound strategy drew towards the west, thus taking the route where the streams were fordable. Greene's experience, as quarter-master to Washington, had familiarised him with questions of transport. He succeeded in getting together enough boats to cross the Yadkin below the British force with a speed wholly beyond Cornwallis' expectations ; and he continued his retreat, protected by a rear-guard of 700 men under Colonel Lee, perhaps the best cavalry officer in the American army, who held Cornwallis in check. In Greene's short but brilliant career as a soldier there is perhaps no finer exploit than this march to the Dan. Retreating rapidly, he held together his raw and imperfectly trained troops, without any loss of steadiness or discipline, or any subsequent detriment to their fighting power. He succeeded finally in crossing the Dan, the river which separates Virginia from North Carolina. There Cornwallis abandoned the pursuit and withdrew to Hillsborough in North Carolina.

Greene only waited for reinforcements from Virginia to resume active operations and to advance into North Carolina. At the very outset he was encouraged by the capture of a whole detachment of loyalists who mistook Lee's dragoons for British soldiers. As Greene advanced he was joined by further reinforcements. He had no longer any motive for avoiding that engagement for which Cornwallis had been striving. On March 15 the armies met near Guildford Court House and joined battle. No engagement throughout the whole war so impressed those who saw it with a sense of stubborn determination on both sides. The Americans occupied the higher ground with a deep ravine in their rear, behind which the slope rose steeply. The British numbered about 2500, the Americans about 4500 ; but of their force a considerable part consisted of comparatively unseasoned militia. The Americans were posted in three lines, with a small reserve. A little before two o'clock the engagement began. The first American line gave their fire and withdrew, whether in panic or obedience to orders seems uncertain. But the second line stood firm. So stubborn was their resistance that Cornwallis had to extend his line and bring up his whole reserve. The riflemen on the American right and the British troops opposed to them became detached and kept up a separate fight in the

woods. Steadily the whole British line gained ground and reached the ravine. But in the process of advance, owing to the wooded nature of the ground and the different degrees of resistance offered, the British line had become dislocated and forced into an irregular *échelon* formation. Thus the first detachment that crossed was exposed to a flank attack and driven back into the ravine, where they rallied. A second detachment met the same fate. So critical did the position seem that Cornwallis ordered his artillery to fire on the Americans, regardless of the inevitable injury to his own men. The desperate expedient answered. Some of Cornwallis' own troops fell, but the attack was stayed. At the same time the detachment which had been separately engaged in the wood, having disposed of its enemy, reappeared and joined the main British force. Thus strengthened, Cornwallis made ready for a general attack. Thereupon Greene retreated in good order, without any serious attempt being made at pursuit.

Guildford has been claimed, both at the time and since, if not as an American victory, at least as a drawn battle. The claim can hardly be maintained. During the afternoon of a March day the Americans were driven back fully a mile. Yet, so far as the honour of the battle went, if a portion of the American force gave way, their failure was more than atoned for by the valour of their comrades. No regiment won greater glory on that day than the 1st Maryland, who, having withstood and repulsed the onslaught of the 33rd, then instantly turned on the 71st and drove them likewise in confusion into the ravine. And, if Guildford was a victory for Cornwallis, it was a Pyrrhic victory. His loss in killed and wounded was little less than a third of his whole army, including thirty officers. So weakened was his already reduced force that it became almost valueless as a weapon for offensive operations. From the day of Guildford, the British invasion of the Carolinas was practically at an end.

It may be best, at the expense of strict chronology, to deal with the rest of Greene's campaign, before coming to those more important operations in which Cornwallis was soon engaged in Virginia. After Guildford Cornwallis withdrew to Wilmington, leaving the defence of South Carolina in the hands of Lord Rawdon at Camden, with British garrisons dotted to the south-east and south-west. Greene, apprehending no further danger from Cornwallis, advanced against Rawdon. On April 25 Greene was strongly posted at Hobkirk Hill, about three miles from Rawdon's head-quarters. Rawdon, having the advantage of the ground, determined to attack. He succeeded in surprising Greene and defeating him in a hard-fought action, with about equal loss on both sides. Rawdon's bold strategy probably saved his own force from a crushing defeat, but it had little effect on the campaign as a whole. Greene advanced, receiving at every stage of his march popular support, which was met by no similar display on the part of the loyalists. Fort

after fort fell. One alone, Fort Ninety-six, constructed with great engineering skill and defended with conspicuous valour, held out ; and the whole of South Carolina practically passed under the control of Greene. Ill-health compelling Rawdon to return to England, he handed over the command to Colonel Stuart, who on September 8, 1781, attacked Greene at Eutaw Springs and fought another indecisive battle, both suffering and inflicting considerable loss, but without doing anything to weaken Greene's hold on the country.

In March, 1781, Clinton had sent a British force of about 3600 men, under General Phillips, to co-operate with Cornwallis, who at that time was advancing northwards. Washington thereupon detached Lafayette to follow and harass Phillips and, if practicable, to force him to an engagement. The death of Phillips transferred the command of his force to Arnold, now in the British service. On May 20 Cornwallis and Arnold joined forces at Petersburg in Virginia ; and the former took command of the whole army. Lafayette's inferiority of numbers compelled him to act wholly on the defensive and to evade an action, while Cornwallis' troops patrolled the country and carried off stores. The finances of Congress were in a deplorable condition. A portion of Washington's troops had mutinied ; and it seemed as if he might be forced to disband his army for lack of provisions.

The French alliance now proved, for the first time during the war, of supreme value. The French fleet, acting in co-operation with Washington, first menaced New York and thereby induced Clinton to withdraw a portion of Cornwallis' force. Cornwallis, it is clear, was embarrassed by the necessity of obeying orders sent to him by Clinton at a distance from the scene of action, which, by allowing him a certain amount of discretion, imposed on him responsibility without giving full freedom. An attempt was made by the British fleet to co-operate with Cornwallis. It was, however, opposed and defeated by the French fleet at the mouth of Chesapeake Bay ; and the English Admiral, Graves, withdrew to New York to refit. Meanwhile Washington had been joined by a considerable body of French troops, and had put his army in such order as to enable him to advance to Virginia. The French fleet, having uninterrupted control of Chesapeake Bay, was able to transport the troops, saving them a long march ; and a junction with Lafayette was effected. Cornwallis entrenched himself at Yorktown, on a peninsula between the York and James rivers. Here he was effectually cut off by a superior force from all possibility of escape by land. Clinton had promised to send relief ; and, if only a co-operating fleet could command the sea, Cornwallis would have a base of supplies, a possibility of reinforcements, and, at the worst, a means of retreat. Accordingly Cornwallis took up a purely defensive attitude, employing his army entirely in the construction of fortifications and earthworks. On September 1 he received from Clinton a promise

of reinforcements, and this was renewed on the 24th. In the meantime the united American and French force closely invested Cornwallis' position at Yorktown.

The disaster of Saratoga was about to repeat itself under slightly varied conditions. On October 11 an attack was made on two redoubts, from which the British were inflicting annoyance on the enemy. Washington sagaciously divided his force, entrusting the capture of one redoubt to the French, the other to the Americans. Each was carried by a resolute assault at night, and none among the American officers won more glory than Alexander Hamilton, afterwards the ablest and most trusted of Washington's political supporters. Five days later Cornwallis made a resolute sortie, inflicting considerable loss on the French and doing some injury to their works, but in no way changing the main situation. It was clear that no reliance could be placed on any aid from New York. One faint chance remained for Cornwallis—to make his escape by water. With this view he embarked a portion of his troops, intending to cross the York river, surprise a detachment of French cavalry posted at Gloucester and, with the help of the horses thus captured, make his way northward to join Clinton. The enterprise was well-nigh desperate, but it was not fated to be tried. A storm that arose in the river, after a few of the boats had crossed, made the passage of the rest impossible.

Cornwallis' defences were now battered to pieces by the American artillery, while his men were too much weakened by illness and privation to resist an onslaught. Accordingly on October 19, 1781, Cornwallis surrendered his land-force to the Americans, his seamen and ships to the French. Five days later the British fleet arrived. The delay in departure was due to the extensive repairs rendered necessary by the action with De Grasse and the storm which accompanied it. With the surrender at Yorktown, the war might be regarded as practically at an end. Charleston and Savannah were evacuated; New York was the only important port which remained in British hands; and no attempt was made to carry on hostilities.

The reception of the news by the Ministry and by Parliament clearly showed that the end was at hand. Lord George Germaine, the one minister who really shared the King's conviction that the war was just and politic, resigned; among North's followers there were signs of general disaffection. If the United States had been the only enemy of Britain, peace would in all likelihood have been soon made. But America could not make terms independently of her allies; and the war between France and Great Britain was still raging in the West Indies, while a Spanish force was blockading Gibraltar. Never did the whole fabric of the British empire beyond seas seem so near to total downfall. But by the end of 1782 the great victory of Rodney in the West Indies, and the gallant and successful defence of Gibraltar by

General Elliot, had materially altered the situation, and brought hopes of a not dishonourable peace.

The changes of Ministry during 1782, the transfer of power from North to Rockingham, from Rockingham to Shelburne, and from Shelburne to the Coalition Ministry, count for little in the history of the negotiations with America. Though no definitive treaty could be signed unless France were a party to it, yet informal negotiations were carried on at Paris during 1782, in which the United States were represented by Franklin and John Adams, the British government by Richard Oswald, a man of business in London who was in the confidence of Lord Shelburne, and who had been on friendly terms with Franklin in England. The main point of difficulty was the compensation of loyalists for losses inflicted on them by the Americans. The difficulty of arranging any such scheme of compensation lay in the fact that Congress had no effective authority over the various States; and finally the claim was abandoned. On November 30, 1782, a provisional treaty was signed, to become actually operative as soon as peace was made between Great Britain and the allies of America. The treaty fully acknowledged the independence of the United States; it fixed boundaries which included the whole existing territory of the thirteen colonies; and it gave them unlimited expansion westward. The navigation of the Mississippi and the use of the Newfoundland fisheries were to be shared by Great Britain and the United States; and Congress was to endeavour to secure from the various State-governments the restitution of land which was the property of British subjects who had not borne arms. Negotiations with Spain and France were so long delayed that it was not till September 3, 1783, that these provisional articles were embodied in a formal treaty.

A few words may be added as to the causes which had brought about a result so disastrous to Great Britain. These causes were in part military, in part political. Of the former some were due to what may fairly be called accidental conditions; others were inherent in the nature of the problem. England was at the time undoubtedly suffering from an exceptional lack of competent generals. The comprehensive view and fiery promptness of Wolfe, or the resourcefulness of Clive, would now have been invaluable but were wholly wanting. Moreover British discipline and equipment were totally unsuited to the task imposed upon the army. Burgoyne's expedition is typical. Speed and mobility were all-essential. The British troops were encumbered with heavy artillery and transport, and they laboured under the weight and hindrance of elaborate uniforms. Moreover the tactics learnt in Europe were applied by British commanders to a country where the conditions were wholly different, in a war in which skilled marksmen, using what in comparison with their opponents' arms were weapons of precision,

fought against troops who knew no formation but close order. Of all the British commanders, Ferguson was the only one who methodically adapted his tactics to the special conditions of the country.

On the American side colonial life was specially fitted to develop that versatility and self-reliance which are so important in the irregular warfare suited to a half-reclaimed country, where it is impossible to employ troops in large masses. The Americans had always a reserve of civilians who under the pressure of local invasion became effective combatants. The one counterbalancing defect in the American system which enabled the British to prolong the struggle was the short period of enlistment. This was aggravated by the fact that the several colonies offered to their local forces higher pay than Congress did, and thus hindered the process of recruiting for the general continental army. Where invasion had to be repelled from a particular district, there was no lack of zeal; but when an American commander undertook connected operations on a large scale, as Washington did against Howe in Pennsylvania and New Jersey, or Greene against Cornwallis in South Carolina, he was liable to be perpetually hampered by defections, and by the impossibility of reckoning with certainty on the number of soldiers at his disposal. On the other hand the Americans enjoyed a great advantage over their opponents, in that they were practically fighting with a number of movable bases. An American army situated as Burgoyne's was would have broken up, dispersed, and become available for future service. The British were fighting with one base — the ocean. It is at this point that the supreme value of the French alliance comes in. As we have seen, the actual co-operation of the French never became effective till the very last act of the drama. But the presence of a French naval force in the West Indies was a factor of vast importance. It distracted British operations by sea, and compelled Great Britain to devote to the protection of the Islands those resources which might have been used to maintain communications with the force in America. Nor must it be forgotten that a European coalition was gradually formed to assist the revolted colonies. The relations of the United States with France brought as a consequence, not indeed the alliance, but the help of Spain. The Spanish government at first declined to enter into direct communication with the revolted colonies, and was with difficulty persuaded to take any part in the quarrel. But ultimately French diplomacy prevailed. In April, 1779, a treaty was signed between Spain and France, which committed the former Power to hostility with England; and in the following June Spain declared war. In the next year (1780) a league of the Baltic kingdoms was formed on the initiative of Catherine of Russia, and accepted by Denmark and Sweden. It was entitled the Armed Neutrality, and had for its main object the practical enforcement of the principle that the vessels of a neutral Power might carry without molestation goods belonging to the subjects of a belligerent.

To this league France, Spain, and Holland soon afterwards acceded. In September, 1780, an English frigate captured an American packet. On board was Henry Somers, a leading American who had not long before been President of Congress, and who was now on his way to the Hague on a diplomatic mission. His papers showed that for two years there had been negotiations between Holland and the United States. Sir Joseph Yorke, the British Minister at the Hague, was instructed to demand from the Dutch government an explicit disclaimer of hostile intentions. This he did with a degree of harshness which made a rupture inevitable. The required assurance was refused; Yorke was summoned home; the Dutch Minister in London was dismissed. On the 10th of December, 1780, Holland joined the Armed Neutrality and four days later England declared war on Holland. That Great Britain found it impossible to overcome resistance in America, in the face of Europe combined against her in active or passive hostility, is not perhaps surprising.

Finally, apart from all these military difficulties, one may doubt whether, even if the British arms had been successful, there were not political hindrances to effective and permanent control of the colonies more insuperable still. For a while at least government would have had to take the form of armed occupation, and it is not likely that armed occupation would ever have passed into peaceful civil administration, loyally accepted by the colonists. Almost from the hour of their foundation the colonies had been developing not only political methods but political ideals different from those of the mother-country. The material interests which bound them to Great Britain were real, but they were too indirect and remote to appeal readily to ordinary men. The tie of sentiment was actually weakened by the necessary closeness of administrative relations. The vague reverence of the medieval ecclesiastic for the grandeur of Rome failed as he was brought face to face with the intrigues and corruptions of the papal Court. Not dissimilar were the feelings of the colonist who like Franklin was driven to contrast the vast responsibilities of the British government with the sordid realities of parliamentary corruption and ministerial intrigue.

CHAPTER VIII

THE CONSTITUTION
(1776—1789)

In the scheme of these pages the forms of government, federal and State, lying between the Declaration of Independence and the Constitution of the United States, are only stepping-stones to the latter, or rather prophecies of it. Much, therefore, which might be of interest and of importance in itself, or from some other point of view than the present, must be passed over. The whole period intervening between the two dates may indeed be shortly disposed of here. It will be enough to call attention to the general forms of government under the Confederation and the State constitutions; taking the latter term to include, as it did, the Bills or Declarations of Right of such among the States as considered it desirable to set forth formally their theory of government, at the foundation of their constitutions.

(i) The Confederation

On June 11, 1776, some three weeks before the Declaration of Independence, the Continental Congress appointed a committee to prepare a plan of confederation of the colonies. On July 12, the committee reported a draft by John Dickinson; and the subject was then debated from time to time until November 15, 1777, when Congress finally agreed upon the articles. At the same time Congress directed that the articles be proposed to the legislatures of the several States; which were advised, if they approved of the plan, to authorise their delegates in Congress to ratify it. On July 9, 1778, the delegates of eight of the States in Congress ratified the articles, in accordance with the action of their several legislatures. The delegates from the other five States ratified them afterwards, at different times, as they became authorised; the last State, Maryland, not giving her consent until the year 1781.

The articles were called "Articles of Confederation and Perpetual Union between the States," the thirteen being named. The Confederation

was declared to be "a firm league of friendship," for the common defence, security, and welfare. Professing to be no more than a "league" of the States, the Confederation did little more than make provision touching general public affairs, not wholly unlike what, according to late American theory, should have obtained between Great Britain and her colonies. The rest may be told in a few words. 1. The small States, by dint of persistence in stress of overwhelming danger, prevailed over the large, in the demand that political existence and not relative importance should be the basis of all legislation; each State, large or small, was to have one vote, and but one, in one Chamber. That alone would have been enough to prevent the Union from being "perpetual." 2. But, with still greater fatuity, the new government was permitted to deal only with the States as corporate bodies; it could not act upon individuals except incidentally. 3. And then, to make inefficiency complete, the Confederation was to have, over the States themselves, no coercive authority. As Great Britain had done in the colonial period, before the Stamp Act troubles, the Confederation made only requisition, that is request, upon the States, for supplies; if the supplies were not furnished, the Confederation, unlike the mother of the colonies, was helpless beyond appealing to the patriotism of the defaulting member. The only way to avoid the need of coercive authority over the States, which would never have been given, was to do what the country was not yet ready for, — to give to the federal government, what the Constitution of the United States afterwards gave, authority over individuals.

No division of the departments of government was provided for in the articles, the whole government being vested in a Congress of delegates from the States; though power was given to Congress to "appoint Courts for the trial of piracies and felonies committed on the high seas," and "to appoint one of their number to preside" over the body, "provided that no person be allowed to serve in the office of president more than one year in any term of three years."

Such a government could not stand when peace, with its centripetal tendencies, returned; the war alone pressed the States together. Failure was written in the very lines of the Confederation; the scheme held out a few years, but its life was only a tossing about in an unmanageable sea of troubles. By the time of the meeting of the Convention to form the Constitution of the United States, in 1787, it was ready to give up the struggle and go down. But the States were jealous and justly suspicious of each other, and the experience of the Confederation was both needful and wholesome; without it the Constitution would have been impossible at the time; by it, though by means of distress, came at last peace and order in the new and better form of government. And whatever was deemed of permanent value in the Confederation prevailed, in some form, in the Constitution.

The subject cannot be particularly entered into in these pages; though it will come up again in dealing with the formation of the Constitution. For the rest, it need only be stated that the Continental Congresses, beginning in the year 1774, and hence often called the Revolutionary Congresses, were composed of delegates chosen by the various colonial or State legislatures, and meeting in Philadelphia; that they sat, in secret, as one chamber; that the voting was by colonies or States, each having one vote; and that they carried on the war and conducted the more general affairs of the country in such way as they could.

(ii) State Governments

The contention of the colonies as colonies failed, because there were necessarily two parties to it, and the other party refused. When the time came that there was but one party to the business, when each colony or State had to deal with itself only, what before had been found impossible was effected without difficulty. The new articles of government of the colonies and States — some of which were adopted during the colonial period, in hope of reconciliation — are exemplifications of the late Whig theory of government. Difficulties were to arise later in fixing upon a general government in the Articles of Confederation, and later still, in the Constitution of the United States; for the present the Continental Congress had but to advise the formation of new governments, and it was done. If the first venture failed, as it did fail in one or two States, the second succeeded easily.

The constitutions of seven of the States are accompanied by formal Bills or Declarations of Right; the constitutions of four, New York, Delaware, South Carolina, and Georgia, are not; but of these four the constitutions of all but Delaware are introduced by preambles of greater or less length, reciting the causes which led to the formation of the new governments. Rhode Island and Connecticut continued under the form of government created by their colonial charters, those two colonies having retained to the last full control over their governments and governors. They therefore did not provide themselves with Bills of Right or new constitutions.

The first of the Bills of Right was that of Virginia, which, followed shortly afterwards by the State constitution, was published on June 12, 1776, three weeks before independence was declared. This Bill of Rights may be considered as furnishing a general model for the articles of the other States, or at least the substance of what went into them. It contains sixteen articles, setting forth the general principles or theory on which the government of the State, in the accompanying constitution, was framed. The first section, anticipating somewhat the language of the Declaration of Independence, declares

"that all men are by nature free and independent, and have certain inherent rights, of which, when they enter into society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." The second article declares that all power is vested in and derived from the people, and that magistrates are their trustees and servants. The third, that government is or should be for the common benefit, protection, and security of the people, nation, or community; and that when it fails of its purpose, the people may of inalienable right reform, alter, or abolish it. The fourth, that public service alone should be the consideration of emoluments or privileges from the community, and that office should not be hereditary. The fifth, "that the legislative and executive powers of the State should be separate and distinct from the judiciary; and, that the members of the two first may be restrained from oppression by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members are to be again eligible or ineligible, as the laws shall direct." The sixth, that election of members of the legislature ought to be free; that all men having evidence of sufficient interest with and attachment to the community should have the right of suffrage; that men should not be taxed or deprived of their property for public use without their own consent or that of their representatives, or bound by any law to which they have not thus assented. The seventh, that power of suspending or executing laws by any authority without consent of the representatives of the people ought not to be exercised. The eighth, that in criminal trials the accused should have the right to know the nature of the accusation, to be confronted by the witnesses, to have evidence in his own favour, and a speedy trial by an impartial jury of twelve men of his vicinage; and "that no man should be deprived of his liberty except by the law of the land or the judgment of his peers." The ninth, that excessive bail should not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. The tenth, in effect, that general search-warrants should not be granted. The eleventh, "that in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred." The twelfth, "that the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments." The thirteenth, that a well-regulated militia should be maintained; that standing armies in time of peace should be avoided, and that the military should always be subordinate to the civil power. The fourteenth, that the people have

a right to uniform government; and hence that no government should be set up, independent of that of Virginia, within the limits thereof. The fifteenth, that liberty can be preserved only by adhering to justice, temperance, and virtue. The sixteenth, that religion should be governed by reason and conviction, not by force; that all men are entitled to freedom of religion, according to conscience; and that it is the duty of all men to practise Christian forbearance, love, and charity towards each other.

The Declaration of Rights of Pennsylvania, next in order of time, following shortly after independence had been declared, also contained sixteen articles, beginning with a preamble. The preamble recites that the object of government is to secure and protect the community as such, and to enable the individuals composing it to enjoy "their natural rights and the other blessings which the Author of existence has bestowed upon man." Other recitals, which need not be stated, follow. The declaration contains some affirmations not in the Bill of Rights of Virginia, touching freedom of emigration, and the right of the people to assemble and consult for the common good and to petition the legislature for redress of grievances; otherwise it is substantially the same as its predecessor in Virginia.

The Massachusetts Declaration of Rights, also beginning with a preamble, contains thirty articles. The Declaration and the State constitution were adopted in 1780, a constitution proposed two years before having been rejected by popular vote. The preamble to the Declaration in question recites the object of government as in the corresponding preamble of the Pennsylvania declaration, and proceeds to affirm that the body-politic is "a voluntary association of individuals . . . a social compact by which the whole people covenant with each citizen, and each citizen with the whole people that all shall be governed by certain laws for the common good"; and then that the people "ordain and establish the following declaration of rights and frame of government as the constitution of the State." The Declaration is more minute than that of Pennsylvania or Virginia, but without material difference in effect. The provision in regard to religion is more particular, towns being required to provide, at their own expense, for "the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily." The legislature may "enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend." All denominations of Christians "demeaning themselves peaceably and as good subjects" should have equal protection of the law. "Freedom of deliberation, speech and debate," as well as of the press, is declared. The last article provides that "the legislative department shall never

exercise the executive and judicial powers, or either of them," and so of each of the other departments respectively.

The Maryland Declaration of Rights, adopted in 1776, contained some special features. One of these was that the people of the State were entitled to the common law of England, and to trial by jury according to the course of that law, and to the benefit of such English statutes as existed at the time of the first emigration, so far as the same had been found applicable to their local or other circumstances, and of such others as have since been passed in England and have been introduced, used, and practised by the courts of law or equity. Another was a declaration against poll taxes, as grievous and oppressive. Another, found also in other State declarations, was against *ex post facto* laws in criminal law. Another was against endowments of religion by lands or goods, without leave of the legislature, except gifts of lands not exceeding two acres for a church or burying-ground.

The foregoing embrace all the important features of the bills or declarations of the several States having such provisions.

In accordance with these Bills of Rights, or, when such were wanting, in accordance with the principle set forth in them, the constitutions of the States generally provided with greater or less emphasis for a separation of the three departments of government — the legislative, the judiciary, and the executive. In special furtherance of this provision, the power of the governor, or president as he was called in two or three of the States, was particularly limited in relation to the legislature of his State. Thus, by the constitution of Virginia, the governor was not to prorogue or adjourn the legislature, during its sitting, nor dissolve it at any time; though, with the advice of the Council, or on application of a majority of the House of Delegates, he might call the legislature together before the time to which it stood adjourned. In Massachusetts the governor, with advice of the Council, in case of disagreement between the two houses of the legislature, in regard to adjournment or prorogation, should have power to adjourn or prorogue the legislature for a period of not more than ninety days. These are typical provisions.

The principle of separation was not, however, fully carried out in all the States, especially in the majority of them which had a Council distinct from the legislature; that body being a sort of inheritance from the confusion of the colonial period.

By the constitution of Virginia, adopted in 1776, a "Privy Council or Council of State" was created, to consist of eight persons. These were to be chosen by joint ballot of the Houses of the legislature, "either from their own members or the people at large"; and they were "to assist in the administration of government." They were also to choose, out of their own members, a "president, who in case of the death, inability, or absence of the governor from the government," was to

act as lieutenant-governor. But members of the Council, while holding that office, were incapable of sitting in the legislature.

The constitution of North Carolina (1776) provided that the two Houses of the legislature should by joint ballot elect a governor for one year, who should not be eligible to that office during more than three out of six successive years. The two Houses should also elect in the same way seven persons to be a Council of State for one year, who should "advise" the governor in the execution of his office. No member of the Council could have a seat in the legislature; no judge of the Supreme Court or of Admiralty should have a seat in the legislature or in the Council. The governor and other officers might be prosecuted if impeached by the legislature on presentment of the grand jury of any Court of supreme jurisdiction; by whom the cause was to be tried, was left to inference.

The constitution of South Carolina (1778) — to pass over the provisional constitution of 1776 — provided that the two Houses of the legislature should choose by ballot, from among their own number or from the people at large, a governor, lieutenant-governor, and a Privy Council of eight members besides the lieutenant-governor. If the governor or lieutenant-governor chosen was a member of either branch of the legislature, he should vacate his seat there. A member of either House chosen to the Privy Council should not thereby lose his seat in such House, unless elected lieutenant-governor. The Privy Council was to "advise" the governor, but the governor was not bound to consult the Council unless directed by law. Impeachment of officers not amenable to any other jurisdiction was vested in the House of Representatives, and the senators and such of the judges as were not members of the House of Representatives were constituted a Court for trying impeachments. The lieutenant-governor and a majority of the Privy Council were to constitute a Court of Chancery.

In Massachusetts, and in New Hampshire also, the Council was to be purely an advisory body to the executive alone; but its members in both States were to be elected annually by the legislature, on joint ballot of the two Houses. In Massachusetts the Council, to consist of nine persons, was to be elected from the senators just elected; in New Hampshire the legislature was to elect two members of the Senate and three of the House of Representatives to the office. In both States impeachments were to be presented by the House and tried by the Senate.

The constitution of Pennsylvania (1776) created a "supreme executive Council," of twelve persons, to be elected by the freemen of the State, and to have a president and a vice-president. Vacancies might be filled by the legislature, unless the president and Council appointed an election to fill the same. No member of the legislature or of Congress should be chosen to the Council; but the president

and vice-president of the Council were to be chosen annually by joint ballot of the legislature and Council, out of members of the Council. The president or vice-president, "with the Council," had power to appoint judges, naval and all other officers, civil and military, such as were not to be chosen by the legislature. They were to correspond with other States, and transact business with the officers of government, "and to prepare such business as may appear to them necessary to lay before the legislature." "They shall sit as judges, to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the Supreme Court."

By the constitution of New York (1777), the Council was to have important functions in relation to legislation. It was provided that the governor, the chancellor, and the judges of the Supreme Court, or any two of them with the governor, should constitute "a Council to revise all bills about to be passed into laws by the legislature"; "and that all bills which have passed the Senate and Assembly shall, before they become laws, be presented to the said Council for their revisal and consideration; and if, upon such revision and consideration, it should appear improper to the said Council . . . that the said bill should become a law . . . that they return the same, together with their objections thereto in writing, to the Senate or House of Assembly . . . who shall . . . reconsider the said bill." If the bill were then passed again by each house, by two-thirds of the members present, it should become a law. A Court was to be instituted for the trial of impeachments and the correction of errors, "to consist of the president of the Senate, and the senators, chancellor and judges of the Supreme Court, or a major part of them"; impeachment to be by the House of Assembly (Representatives).

All the State constitutions, with one exception, provided that the legislature of their States, usually called the General Assembly, but in Massachusetts and New Hampshire the General Court, should be divided into two branches, the first to be called the House of Representatives, of Delegates, or of Assembly — in North Carolina, the House of Commons; the second, the Senate. In Delaware the second branch was to be called a Council; a body not to be confounded with the Council of other States. The members of both branches were to be elected by popular vote; the suffrage being generally somewhat restricted, as for instance to freeholders, and often being more restricted in regard to the Upper than to the Lower House. The Lower House was generally the more numerous body, and was called the popular branch. In Delaware the Council was larger than the Lower House. Pennsylvania was the one exception; in that State, as in the Continental Congresses and the Congress of the Confederation, there was but one Chamber of the legislature.

The executive department of the State governments was generally

vested in a single governor or president, to whose office was attached, or not, as has been seen, a council to "assist" or to "advise"; in Pennsylvania the executive power was vested, as has been stated already, in an executive Council, presided over by a president. The executive was elected by the people or, in two or three States, by the legislature.

The judiciary department was vested in Courts having judges appointed by the executive, or by the executive "and" or "with advice of" the Council, or elected by the legislature.

All officers concerned with government, in all the States, were to hold office for definite terms less than for life, or during good behaviour; only the higher judicial officers holding in the latter way. Salaries were generally to be provided for the governor and judges and other superior officers, without allowance of fees. Delegates to Congress were to be elected by the State legislatures.

Thus, in the separation, perfect or imperfect, of the departments, in the division of the legislature, and in the establishment of fixed terms of service for officers and the substitution of salaries for fees, the States for the first time applied, more or less completely, on their own behalf the theory of good government evolved by them.

(iii) The Constitutional Convention

What led to the Convention may be shortly told. The Confederation was an utter failure, and now was sinking, a helpless hulk, amidst general contempt. Meanwhile, a few of the states, such as Rhode Island and New York, which had harbours suitable for foreign commerce, were making spoil in their day. Free in fact from all external restraint, they sat at the seat of custom, laying heavy tribute upon those of their neighbours whose wares must pass through their avaricious gateways. Connecticut, New Jersey, and North Carolina suffered much. Connecticut was drained on one side by Rhode Island, on the other by New York; New Jersey, lying between New York and Pennsylvania, was "a cask tapped at both ends"; North Carolina, between Virginia and South Carolina, was "a patient bleeding at both stumps."

The state of the country was alarming, and was growing worse and worse every day. Even the dry language of legal documents was eloquent of the fact. "Whereas," ran the commission of the New Hampshire deputies to the Constitutional Convention, "the limited powers, which, by the Articles of Confederation, are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes" in view; "and whereas Congress hath, by repeated and most urgent representations, endeavoured to awaken this and other States of the Union to a sense of the truly critical and alarming situation in which they may inevitably be involved, unless timely

measures be taken . . . to avert the dangers which threaten our existence as a free and independent people," it was therefore enacted etc. How acute was the danger, and what various forms it took, may be seen from the pathetic description of Hamilton, in the fifteenth number of the *Federalist*, and from the words of Madison, in his *Introduction to the Debates in the Convention*. "The federal authority had ceased to be respected abroad. . . . At home it had lost all confidence and credit. The unstable and unjust career of the States had also forfeited the respect and confidence essential to order and good government, involving a general decay of confidence and credit between man and man."

The weakness of the Confederation was early felt outside of Congress. In the year 1782 the legislature of New York unanimously passed resolutions, in which it was declared "that the Confederation was defective, in not giving Congress power to provide a revenue for itself, or in not investing them with funds from established and productive sources; and that it would be advisable for Congress to recommend to the States to call a general convention to revise and amend the Confederation." Nothing however came of this, beyond a reference to it by Hamilton in Congress, with a statement by him that he intended to propose to Congress a plan for the purpose. This was in 1783. It remained for the States which were suffering from the commercial exactions of their neighbours to suggest a consideration of the most pressing needs of the country.

Virginia was the first to respond. In January, 1786, a resolution of the legislature of that State was passed, inviting a meeting of deputies from all the States to meet deputies named by Virginia, to consider the trade of the United States; "to examine the relative situations and trade of the States; to consider how far a uniform system in their commercial regulations might be necessary to their common interest and permanent harmony"; and to report a constitutional provision to the States such as, when ratified by them, would enable the United States, in Congress, effectually to provide for the purpose.

The deputies were to meet in Annapolis, Maryland, in September of that year (1786). The plan was received with much local favour; but the feeling was not general enough to bring together deputies from more than five States, Virginia, Delaware, Pennsylvania, New Jersey, and New York. Desire for action was however growing stronger and stronger, and when the deputies met they did not hesitate to make recommendation in vigorous terms; more than that, in the absence of a majority of the States, they of course could not properly do. But they did not stop at advising the call of a convention to consider the trade of the States; other things equally deserved attention. The commission of the deputies from New Jersey had pointed to this; the deputies from that State were empowered "to consider how far a uniform system in their commercial relations, and other important matters, might be

necessary to the common interest and permanent harmony of the several States." And that suggestion was acted upon.

An address was accordingly prepared, by the hand of Hamilton, to the legislatures of the States, urging that speedy measures be taken to bring about a general meeting of the States in a Convention, to consider questions of trade and commerce, and for "such other purposes as the situation of public affairs may be found to require." The proposal met with favour in Congress, and in all the States, excepting Rhode Island, in greater or less degree, according as the result was likely to affect them. Congress, in February, 1787, resolved that it was expedient that a convention of delegates from the several States be held in May, at Philadelphia, "for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union." Some of the States had already taken action and appointed deputies; all the rest (except Rhode Island) followed, some with reluctance, before the meeting of the Convention. The commissions varied. Those of Massachusetts and New York limited the deputies in terms of the language of Congress. Some were in broader terms. The commission of the deputies of New Hampshire authorised them "to discuss and decide upon the most effectual means to remedy the defects of our Federal Union, and to procure and secure the enlarged purposes which it was intended to effect"; that of New Jersey, to take "into consideration the state of the Union as to trade and other important objects"; that of North Carolina, to "revise the Federal Constitution."

The meaning of legal right between States drawing into closer union was now to come before the Convention, in somewhat the same way as in the struggle with Great Britain. An efficient external government was to be established, and in some way set over the same political bodies which as colonies had struggled as to rights with the mother-country. What now was to be considered legal right? Surely nothing less than what the colonies had contended for against England, — equality in subordination, equality in some near resemblance to equality touching private right. The States had now become more unequal than they had ever been before, often by unfair means; some had grasped, and were determined to hold, more than was their right; others of course had lost, and were suffering accordingly. The former must now yield what they ought not to have taken; the latter must be put upon the footing to which they were entitled in a nation based upon equality. And then, thereafter, it would have to be understood that some must perforce give way, in time of need, to the just requirements of others, whether sister-States or the general government. But would the States now accept for themselves what the colonies had desired of England, equality in subordination? No man knew; the

Convention was to meet amidst widespread doubt and distrust without, and signs of discord within. But it was to be the council-seat of great men, and men of experience, filled with solemnity and a high and earnest purpose.

Sixty-five delegates in all had been appointed; ten of the number never attended, some of them refusing out of unfriendliness. Forty-two were present at the close of the Convention; and, of these, thirty-nine signed the Constitution. In order to save constant repetition of the names of the States represented by deputies who took part in the debates, these debaters and their States will be named here; and as the Convention was largely a struggle between the greater States and their allies on the one hand, and the smaller States on the other, the list will be made out accordingly.

The greater States. Virginia: Randolph, Madison, Mason. Massachusetts: Gerry, Gorham, King. Pennsylvania: Franklin, Wilson, Gouverneur Morris. *Allies* (more or less). North Carolina: Williamson, Spaight. South Carolina: Rutledge, Charles Pinckney, General Pinckney, Butler. Georgia: Baldwin.

The smaller States. Connecticut: Sherman, Ellsworth, Johnson. New York: Hamilton, Yates, Lansing. New Jersey: Patterson, Brearly. Delaware: Dickinson, Read, Bedford. Maryland (a State more or less divided): Martin, Mercer. New Hampshire (not present until July 23, too late to take much part in the contest between the great and the small States): Langdon.

Rhode Island declined to take part in the Convention.

(iv) The Federal Constitution

The day fixed for opening the Convention was May 14, 1787; but it was not until the 25th of the month that a majority of the States appeared. On that day deputies from seven States were present; the Convention was organised accordingly, and Washington was chosen presiding officer. Ultimately twelve States, as the foregoing list shows, were represented. The presence of seven States was fixed upon as necessary for a quorum; the voting to be as in the Confederation and the Continental Congress. The Convention was to sit, and did sit, in secret; its work was not to be undone or embarrassed by premature criticism.

Virginia, which had been the most active in bringing about the Convention, now took the lead in it, and on May 29, through Governor Randolph, one of her deputies, brought forward a series of fifteen resolutions, usually called the Randolph or Virginia resolutions, proposing the working material of a constitution; and they were treated accordingly.

The resolutions having been presented and explained, the Convention

resolved itself into a committee of the whole House, to consider the state of the American Union, and referred the resolutions to that committee. On the same day Charles Pinckney laid before the Convention a draft, in specific form and detail, of a Federal Constitution, founded upon the same principles. This too was referred to the committee; but no further official action was taken in regard to it.

The committee now proceeded to take up and consider, one by one, clause by clause, step by step, the Randolph resolutions, until they were all disposed of. On June 13 the committee rose and reported the result, in nineteen resolutions substantially founded upon those offered by Randolph. The resolutions originally drawn, and those now reported, were directed, not merely to amending defects in the Articles of Confederation, but to the formation of a new government radically different, and designated in the report as a "national government."

Opportunity was now given for presenting other plans; and on June 15 what were known as the Patterson or New Jersey resolutions were read. The resolutions reported were now recommitted, that they might be considered again along with those brought before the committee by Patterson. Patterson's resolutions, which, instead of providing for a new form of government, proposed no more than certain amendments to the Articles of Confederation, were set up against those which the committee had reported. The first resolution contained the key-note, as indeed did, in intent if not in terms, the first of the resolutions of the report. The "national government" of the report was understood by all to mean a government unlike the Confederation, a government indeed such as actually came to pass. In contrast with that idea, the Patterson plan, in its first resolution, declared "that the Articles of Confederation ought to be so revised, corrected, and enlarged, as to render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

The resolutions of the committee, calling for a "national government," had been supported by the larger States, Virginia, Massachusetts, and Pennsylvania, with the help of States further south which were expecting to take higher rank in population in the near future. The Patterson resolutions, proposing what was called a "purely federal" plan, were the work of the smaller States, Connecticut, New York, New Jersey, Delaware, and to some extent Maryland, uniting however upon different grounds. Connecticut and New York were opposed to any radical departure from the Confederation; while New Jersey and Delaware opposed a "national government" chiefly because proportional representation was likely to go with it, whereby they would lose rank at any rate.

The general difference between the two plans may be shortly stated thus. By the first plan there were to be two branches of the legislature; by the second, there was to be only one. By the first, there was to be

representation by the people at large, the States severally having representation according to population ; by the second, the States were to be equal in the legislature. By the first, the executive was to be single ; by the second, plural. By the first, the national government was to have power to act directly upon the citizens of the several States ; by the second, it was to act only upon the States in their corporate capacity, requisitions being made, as theretofore, upon the States for supplies, coercion (of the States) to follow in case of failure. By the first, the executive was to be removable on impeachment and conviction ; by the second, to be removable at the instance of a majority of the executives of the States. By the first, the legislature was empowered to create inferior federal Courts ; by the second, it was not.

The Patterson resolutions being now under consideration in committee of the whole, Hamilton, who was not satisfied with either of the plans proposed, brought forward a plan of his own, not indeed as a formal measure for action — what the Convention was likely to do was already indicated — but as a definite expression of theories of government which he had just set forth at length in a speech before the committee. This plan proposed a legislature having two branches, an Assembly and a Senate ; the members of the Assembly to be chosen by the people for three years, those of the Senate to be appointed by electors chosen by the people and to serve during good behaviour. The executive authority was to be vested in a governor, to be appointed by electors chosen by the people and to serve during good behaviour. Besides having the duties incident to the office, the executive was to have a right of negative on all Acts of the legislature before they became laws ; with the advice and consent of the Senate he was to have power to make treaties ; he was to appoint federal officers, certain of them with the advice and consent of the Senate ; he was to have the power of pardon except in cases of treason. The Senate was to have the sole power of declaring war. The supreme judicial authority was to be vested in judges holding office during good behaviour, and was to have original jurisdiction in cases of capture and appellate jurisdiction in matters concerning the federal revenue or citizens of foreign nations. The legislature was to have power to institute Courts in each State for determining all matters of general concern. The governor, senators, and all officers of the United States, were to be liable to impeachment before a Court of judges from the highest Courts of the States, one from each State. All laws of the States contrary to the Constitution and laws of the United States were to be void ; and the better to prevent such laws being passed, the governor of each State was to be appointed by the general government, and was to have a negative upon laws about to be passed in the particular State. No State was to have land or naval forces ; the militia of the States was to be under the sole direction of the United States, and its officers were to be appointed by them. The plan was

afterwards worked out in detail by Hamilton, and given by him to Madison towards the close of the Convention, as a constitution for the United States which he would have wished the Convention to adopt.

The Virginia and the New Jersey plans of government were now considered together, for one day, in their entirety. Debate ran mostly upon the power of the Convention, under the action of Congress in proposing it, and the commissions of the deputies issued in virtue of Acts of the State legislatures, to depart radically from the Articles of Confederation. But the friends of the Virginia plan pointed out that the action to be taken would only be a proposal; it could compel no one; the people could reject it. And then the dangers of the country were urged as calling upon the Convention to do whatever should be deemed necessary for the public welfare. The States had sent them there, said Hamilton, "to provide for the exigencies of the Union"; to propose any plan not adequate to these exigencies, merely because it was not within their powers, would be to sacrifice the end to the means.

The committee voted to adhere to the report already made. The Randolph resolutions as amended and reported were now before the House in Convention, and the serious business of framing the Constitution was taken up and prosecuted to the end. The first result was the adoption of a new series of twenty-three similar resolutions, declaring the sense of the Convention in regard to what the Constitution should contain. These resolutions were then given, on July 26, to a committee of detail, to prepare and report a draft of the Constitution. The draft Constitution was reported by the committee on August 6; on the next day it was taken up by the Convention and considered, as the original Randolph resolutions had been considered, point by point, until September 10. The work was now given to a committee of style and arrangement; the committee reported a revised draft of the Constitution on September 13; and the Convention, having made a few small changes, adopted the Constitution in its final form on the 17th of the same month.

The original Randolph resolutions will now be taken up in order and carried through their various stages until, excepting such as disappear on the way, they find lodgment in the Constitution. All the greater and most of the minor theories of government, advocated or proposed in the Convention, will in course of the survey come before the reader.

(1) "National" government

The first of the Randolph resolutions proposed that the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by them, namely, common defence, security of liberty, and general welfare. This resolution was postponed (and not

called up again), to consider one declaring that a national government ought to be established, consisting of supreme legislative, executive, and judiciary departments. The committee readily adopted the resolution, on May 30; six States voting for it, one, Connecticut, against it, and one, New York, being divided.

The resolution, thus adopted by the committee of the whole House, came before the Convention on June 19. The debate, turning on the word "national," was opened by Wilson in favour of the resolution. He observed that, according to the meaning which he attached to the words "national government," the proposed government would not swallow up the State governments, as some of the delegates seemed to wish. He was strongly in favour of preserving the States. Contrary to what he had understood to be Hamilton's opinion, he thought that the States might not only subsist, but subsist on friendly terms with the national government. The States were necessary for purposes which the national government could not reach; all large governments must be divided into smaller jurisdictions.

Hamilton, who also favoured the resolution, said that he had been misunderstood. He would do away with the States in the sense only of drawing no boundary between the national and the State legislatures; the former must therefore have indefinite authority. If it were limited at all, the States would gradually subvert it. Even as corporations, some of them would be formidable; as States, he thought that they ought to be abolished. He admitted the need of them as subordinate jurisdictions.

King conceived that the terms "States," "sovereignty," "national," and "federal" had been inaccurately used. The States were not sovereign in the sense contended for by some. They could not make war or peace, or alliances or treaties. They could not speak or listen to foreign sovereigns; they could not of themselves raise troops or equip vessels for war. If a union of the States comprised a confederation, it comprised also consolidation. Union of the States was a union of the men composing them; whence a national character. Congress (of the Confederacy) could act alone, without the States; it could act against instructions from the States. If Congress declared war, war was *de jure* declared; the States could not change the situation. If then the States retained some portion of sovereignty, they had divested themselves of essential portions of it; if they formed a confederacy in some respects, they formed a nation in others. He doubted whether it were practicable to destroy the States, but thought that much of their power should be taken away.

Martin considered that the separation from Great Britain put the former colonies in a state of nature towards each other; that this would have continued but for the Confederation; that they entered it on terms of equality; and that they were now to amend the articles

upon the same footing. He could never agree to inequality, putting ten States at the mercy of Virginia, Massachusetts, and Pennsylvania.

Wilson disputed the contention that independence gained from Great Britain made the colonies independent of each other. The Declaration of Independence spoke of the "United Colonies" as free and independent States, that is, independent unitedly, not individually.

Hamilton was of the same mind; he denied that separation from Great Britain had thrown the colonies into a state of nature. He admitted that they were now met on equality, but could see no inference that the form of government could not be changed. He would however allay the fears of the smaller States by mentioning two facts which would make them secure in a national government, though without their present equality. One was, the local situation of the largest three States; Virginia, Massachusetts, and Pennsylvania were separated by distance and by all such peculiarities as distinguished one State from another. Hence there need be no fear of combination. The other was, that as there was a gradation in the States, from Virginia down to Delaware, it would always happen that ambitious combinations among a few States might and would be counteracted by defensive combinations of greater extent among the rest. The closer the union of the States, the less the opportunity for the stronger to injure the weaker.

On the next day it was moved by Ellsworth to drop the word "national" and make the resolution read, that "the government of the United States ought to consist" etc., which was agreed to without dissent. So the resolution went to the committee of detail, to be put into form on August 6, in the draft Constitution. There it was divided into Articles I and II; the first declaring the style of the government to be the United States of America, with a declaration prefixed that "We, the people of the States of" etc., finally changed to "We, the people of the United States," ordain etc.; the second, that the government should consist of supreme legislative, executive, and judicial powers. Both, with the declaration, were at once adopted by the Convention. But, without further debate upon the merits of the subject, both articles, reserving the declaration, were ultimately dropped by the final committee on style and arrangement as unnecessary by way of formal provision.

(2) Representation

The second of the Randolph resolutions provided "that the rights of suffrage in the national legislature ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other rule might seem best in different cases."

This resolution touched a vital point; it would make a radical

change in the existing order ; it would put the States upon the footing of their relative importance. The smaller States, excepting the Carolinas and Georgia, took their stand at once, and maintained it, in one way or another, to the end. The deputies of Delaware, the smallest of the States in importance, were indeed restrained by their commission, in express terms, from consenting to anything whereby the existing equality of the States would be disturbed.

The House in committee took up the particular Randolph resolution on May 30. The language of the resolution was not acceptable to the leaders of the great States, though it ran in the right direction ; and various attempts were made to change it, in the way of broadening it. In this state of things Read moved that the resolution be postponed ; at the same time reminding the committee that, if any change in the rule of suffrage should be made, it would be the duty of the deputies from Delaware, according to their commission, to retire from the Convention. Gouverneur Morris and Madison strongly asserted the determination of the larger States for proportional representation as fundamental. Whatever reason, said Madison, might have existed for equality under a "federal" union among sovereign States, it must cease when a "national" government was put in its place. In the former case, the Acts of Congress had depended so much on the co-operation of the States, that the States had rights nearly in proportion to their extent and importance ; in the latter case, the Acts of the government would take effect without calling upon the States for aid, and there would be the same reason for difference in representation of the States as there was in that of counties of varying importance within particular States.

The motion for postponement was agreed to. On June 9 the subject was brought before the committee again, and debate was opened by Brearly. The same question, he said, had been much agitated in forming the Confederation, and had then been rightly settled ; and the smaller States had been saved. He admitted that the substitution of a ratio carried fairness on its face ; in reality it was unfair. Virginia would have sixteen votes, Georgia but one, out of a total of ninety members in the legislature. The large States would carry everything before them. In his own State (New Jersey), where large and small counties were united for electing members of the State legislature, the large counties always carried their point. He would not say that it was fair that Georgia should have an equal vote with Virginia ; the only remedy was to wipe out existing boundaries and have a new partition into thirteen equal parts.

Patterson considered the proposition for proportional representation as striking at the existence of the smaller States. If they were to be a "nation," State distinctions must be abolished, the whole thrown into hotch-pot and an equal division made ; that was the only way to secure the equality desired by the greater States. There was no more reason

that a single great State, contributing much, should have more votes than a small one contributing little, than that a single rich man should have more votes than a poor man had. "If the rateable property of *A* was to that of *B* as forty to one, ought *A*, for that reason, to have forty times as many votes as *B*?" If *A* had more to be protected, he ought to contribute more. Give to the large States influence in proportion to their importance, and their ambition would be increased accordingly, and the small States would have everything to fear. New Jersey would never confederate on the plan before the Convention.

Wilson contended that, as all authority was derived from the people, equal numbers ought to have an equal number of representatives, and different numbers should have different numbers of representatives. That principle, under pressure, had been violated in the Confederation. As to the *A* and *B* argument, he said that in districts as large as the States, the number of people was the best measure of their wealth; hence whether wealth or numbers formed the ratio, it would be the same. Persons, not property, had been admitted to be the measure of suffrage; were not the citizens of Pennsylvania equal to those of New Jersey? Did it require one hundred and fifty of the former to balance fifty of the latter? They had been told that each State being sovereign, all were equal. So each man was "naturally" a sovereign over himself, and all men therefore were "naturally" equal; but the individual could not retain this "natural" equality when he became a member of civil government; nor could a sovereign State when it became a member of a federal government.

On the following day a change took place, which narrowed the question before the committee. Sherman made a suggestion that representation be put upon a different footing in the two branches of the legislature; proportional representation to be the rule in the first branch, equality in the second. And now King and Wilson brought the question to a point, by a motion that the right of suffrage in the first branch should not be according to the Confederation, but according to some equitable ratio; thus eliminating the second branch, for the present, from consideration. The debate proceeded accordingly, though more or less upon the broader ground of the original resolution.

Franklin said that he had at first thought that the members of the national legislature should consider themselves representatives of the whole country rather than of their particular States; in which case the proportion of members from each State would be of small importance. But as that idea had not been accepted, he thought that the number of representatives should bear some proportion to the number to be represented. He did not believe that the greater States would swallow the smaller; they would have nothing to gain by it. A like fear had been expressed when the union of England and Scotland was under consideration. Scotland would be ruined unless she had an equal number of representatives in Parliament with England; but the fear had proved

groundless. Indeed, under the present mode of voting by States it was in the power of the smaller States to swallow up the greater. Suppose, he said, that seven smaller States had each three members in the House, and the six larger, on an average, six members each, and that upon a given question two members of each smaller State should be in the affirmative and one in the negative, making fourteen affirmatives and seven negatives, and that all the larger States should be unanimously in the negative, making thirty-six negatives. The result would be, fourteen affirmatives, forty-three negatives; and yet the affirmatives, the minority, would prevail. The larger States were as unwilling as the smaller ones to have their interests left in the hands of others. There had been a hint of equalising the States, to avoid the difficulty; the idea was fair, and he would not oppose it if it were practicable. Formerly the idea could not have been entertained; the provinces had had different constitutions, some having greater privileges than others, and then it was a matter of importance to the borderers on which side of the line they were placed. Now these differences were done away, and the location of boundaries was less important. The interests of a State were made up of the interests of its individual members; if the individuals were not injured, the State was not injured; and small States were more easily and happily governed than large. If then, in making a new division, it should be found necessary to cut down Pennsylvania, he would not be unwilling to give part of it to New Jersey and part to Delaware. But there would be difficulties in the way; equality would soon disappear in the varying increase of population, and new divisions would then again be called for. He had what he believed a better and more permanent plan to propose. It was this: —

Let the weakest State say what proportion of money or force it was able and willing to furnish for the Union; let the rest agree to furnish severally an equal amount; the whole to be absolutely in the disposal of Congress; the Congress to be composed of an equal number of delegates from each State, and a majority of the delegates voting individually to prevail. If the supplies thus furnished should be insufficient, let Congress make requisitions on the greater States for further aid, to be offered voluntarily, according to the view taken by each State of the need of the aid and of the amount to be given.

The plan, Franklin said, was not new; it had been successfully tried in England with Ireland and with the American colonies. We sometimes gave even more than had been expected of us or than had been thought proper; England had given back to us in five years a million sterling. We should probably have continued these contributions, as occasion called, had England not chosen to force us and thus to deprive us of the merit and pleasure of acting voluntarily. If this was done towards a government in which we had no representation, it would not be refused to the government now proposed.

The motion of King and Wilson however prevailed; seven States, among them Connecticut, voting aye, three States, New York, New Jersey, and Delaware, nay. Maryland was divided.

Questions of ratio were now briefly considered and agreed to; New Jersey and Delaware opposing. The result was reported to the Convention in one of the resolutions of June 13. On the introduction of the Patterson resolutions, two days later, the subject was reopened by a further commitment of the resolution of June 13. Wilson again urged proportional representation. Inequality had always been a poison. It was so in Great Britain; the political liberty of that country, owing to the inequality of representation, was at the mercy of the rulers. Small bodies, further, were more easily seduced than large ones; and inequality would aggravate the difficulty. Hamilton considered that equality of suffrage would be fatal. The large States would not consent to it; or, if they did, would not do so for long. It shocked all ideas of justice.

These remarks of Wilson and of Hamilton were made in the course of speeches in relation to the two plans of government, taken as a whole, which were then before the committee. The New Jersey plan was rejected a few days later in committee, and the Randolph resolutions as reported were at once reaffirmed. On June 26 the Convention accordingly took into consideration the resolution in regard to suffrage in the first branch of the legislature.

The debate was opened by Martin, who strongly opposed proportional representation. The States, he said, were equally sovereign and free; and being equal, they could not in his opinion confederate so as to give up equality without giving up their liberty. The proposition before the Convention therefore was a proposition for enslaving ten States; Virginia, Massachusetts, and Pennsylvania had forty-two ninetieths of the votes of the country, and could do what they pleased unless some miraculous union of the other ten took place; they had to gain but one of them to make themselves complete masters. If the large States had no interest in doing wrong to the smaller, there could be no danger in equal suffrage. In regard to dangers of dissolution, he said that the large States were weak in proportion to their extent, and powerful only in their votes. The small States therefore would have nothing to fear from dissolution; and he would rather have partial confederacies than the plan before the House.

Williamson, on the other side, considered it mathematically plain that States which were equally sovereign at first would, on parting with an equal proportion of sovereignty, remain equally sovereign. He thought they should also take into account the prospect of the addition of new States from the West. These would be small and poor, and would accordingly be tempted to combine to lay burdens upon the older States, which they could the more easily do under equal suffrage. This suggestion concerning the West was repeated by others.

Madison was disposed to concur in any plan, consistent with fundamental principles, for removing the difficulty in question; but equality was neither just nor necessary. Those who asked for equality, on the ground of the equality of sovereign States, had confused the effect of treaty-making pure and simple, with compacts for other purposes, such as raising money or troops. France might enter into treaty with the Prince of Monaco for the regulation of commerce, upon a footing of equality; but would the millions of France submit their fortunes to the thousands of Monaco in the matter of raising money or troops? Why were countries represented in proportion to numbers? Was it because the representatives were chosen by the people themselves? The same would be true of the representatives in the national legislature. Was it because the larger had more at stake than the smaller? The same would be true of the larger and smaller States. Was it because the laws operated immediately upon persons and property? The same was true in some degree under the Confederation; the same would be true generally under the plan in question. That equality was not necessary he considered equally true. Was a combination of the large States dreaded? Their interests were not common, and equality in size was no reason for combining. The journals of Congress did not show any tendency that way. Contention rather than combination was likely, if they could judge from the experience of other countries. Carthage and Rome tore each other to pieces, instead of uniting to devour weaker nations; Austria and France were hostile so long as they remained the greatest powers of Europe. England and France had now succeeded to pre-eminence and to mutual enmity, and America had gained its liberty in consequence. Were the large States, singly, dangerous to the smaller States? Then the latter ought to desire a government strong enough to control the former. Here again experience was instructive. What was the situation of minor sovereigns in the great society of independent nations, in which the more powerful were under no control except that of the law of nations? Was not the danger to the weak in proportion to their weakness? Let them note the position of the weaker members of the Amphictyonic Council. What was the condition of the minor States in the Germanic Confederacy? They owed such safety as they had partly to enlisting under the rival banners of the great members, partly to alliances with neighbouring princes, where such were not prohibited. Two extremes were before the Convention, a perfect separation, and a perfect incorporation of the thirteen States. By the first, they would be independent nations, subject to no external law but the law of nations; by the second, they would be mere counties of one entire Republic, subject to one common law. By the first, the smaller States would have everything to fear from the larger; by the second, nothing. The true policy for the smaller States therefore lay in promoting a form of government which would most nearly place the States upon the footing

of counties. They could never expect a partition of the larger States if the general government was feeble ; for in that case all their strength would be needed by themselves. Given energy and stability in the general government, and partitions might follow.

Wilson said that, according to the other side, borough representation in England was right. Indeed Old Sarum had ground of complaint ; London sent four representatives to Parliament, while entitled to but two on the theory of equality.

Sherman argued that it was right for some of the States to give up more than others. The rich man who entered society along with the poor man gives up more than the poor man, yet with an equal vote he is equally safe ; if the rich man were to have more votes, in proportion to his stake, the poor man would not be safe.

At this stage of the Convention (it was now June 28), a notable speech was made by Franklin. The Convention, he said, had been in session for four or five weeks, and there had been little else than contention. "We indeed seem to feel," said he, "our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history . . . ; we have viewed modern States . . . but find none of their constitutions suitable to our circumstances. . . . Groping as it were in the dark, . . . how has it happened" that the Convention has not sought light from the "Father of lights"? He moved that the House be opened every morning with prayers.

No vote was taken ; and the incident is mentioned here only to show the strain under which the Convention was now labouring. The question thus far was whether one side would yield to the other ; whether there was any common ground between them had not been seriously considered. On the next day Johnson pointed out that there was such ground ; there were aristocratic and other individual interests, and there were interests of the States as such, to be guarded. Let the States be treated in certain respects in their political capacity, in others as districts of individual citizens, and the two ideas be combined instead of being treated as opposed to each other ; let one branch be represented by the people at large, the other by the States corporately — a suggestion like that made by his colleague Sherman on June 10.

Nothing however, for the present, came of it, and the strain continued. The danger of disruption, with its grave consequences, was before the Convention. Gorham warned the delegates from the smaller States that these would have more to lose than the larger. The large States would be more able to take care of themselves ; the weaker therefore were more interested in creating a stable government. The weaker States would be at the mercy of the stronger in case of disruption ; Delaware would be at the mercy of Pennsylvania. So it had been formerly when Massachusetts was composed of three colonies ; but all danger had ceased after they were united. So it had been in

Connecticut; so in New Jersey. If disruption took place, the fate of New Jersey would be worst of all; she had no foreign commerce, and could have none; she would be ruined between New York and Pennsylvania. In view of such perils, he must stay there as long as any one would meet him, to find some plan to submit to the people.

Others too spoke of the danger; Read, for Delaware, scouted it; the larger States, he said, wanted a general government because they felt their own weakness.

Madison entreated the small States to renounce a principle which was unjust, and never could be admitted in a constitution which they wished to last for ever. He urged them to ponder the danger of disruption. It had been said that want of energy in the large States would be security for the small ones; but that want of energy would proceed from the supposed security of the States against external danger. Let each depend upon itself for security, and let danger arise from distant powers or neighbouring States, and the languishing condition of all the States, large and small, would be changed into vigour. His fear was that they would then show too much energy, that they would be dangerous not merely to each other, but to the liberty of all. And danger from disruption would follow, whether an entire separation between the States took place or partial confederations were formed.

Hamilton said that as States were a collection of individuals, nothing could be more preposterous than to sacrifice the latter to the artificial beings which they created. It had been said that if the smaller States gave up their equality, they gave up their liberty; the truth was, it was a contest for power, not for liberty. Would the people of the smaller States be less free than those of the larger? Delaware, with forty thousand inhabitants, would indeed lose power if she had but a tenth of the votes allowed to Pennsylvania, with four hundred thousand; but would the people of Delaware be less free if each citizen had an equal vote with each citizen of Pennsylvania? He spoke earnestly of the dangers of dissolution. This was the critical moment; it was a miracle that they were there; it would be madness to trust to future miracles.

The debate came to an end on the same day, and the States voted, six against four, "that the rule of suffrage in the first branch ought not to be according to that established by the Articles of Confederation." The four votes against changing the rule of equality were given by Connecticut, New York, New Jersey, and Delaware; the large States were supported by North Carolina, South Carolina, and Georgia. Maryland was divided. The question had been before the Convention for three days; it was now June 29.

The result was put into the hands of the committee of detail, without further change, and by that committee into the draft Constitution of August 6. There it was accordingly provided that the members of the House of Representatives should be chosen by the people of the

States, the number of representatives being declared for the several States proportionately to population, with provision for change in the case of changes of population. This, so far as the principle of proportional representation was concerned, was adopted by the Convention, and was without further difficulty introduced into the Constitution (section 2 of Article I).

The rule of suffrage in the Senate, or second branch of the legislature, was taken up by the Convention on the same day; and the struggle as to equality was renewed. The resolution reported by the committee of the whole House declared in favour of the same rule in the Senate as in the first branch. Ellsworth now moved that the rule in the second branch be the same as that in the Confederation. He did not regret the result of the vote fixing the rule for the first branch; he hoped it would furnish ground of "compromise" for the rule in the second. The Virginia plan was partly national, partly federal; proportional representation was conformable to the national principle, equality to the federal. The former would secure the larger States, the latter the smaller. The larger States would still have an influence which would maintain their superiority. Holland had a prevailing influence in the Dutch confederacy, notwithstanding equality. The small States must have the power to defend themselves; he could not admit there was no danger that the larger States would combine. Combination among the smaller States would be more difficult because they were numerous. Besides, had they not plighted their faith to the existing article of the Confederation touching suffrage? New England, excepting Massachusetts, would not agree to the government proposed by the Randolph resolutions.

Wilson, refusing to be moved by hints of disruption on the part of "twenty-two against ninety of the population," went on to say that the rule fixed for the first branch did not remove the objection to equality in the second. Equality in the Senate would enable the minority to control the majority in all cases. Seven States would control six, though the former had but twenty-four (*sic*) ninetieths of the population. They were framing a government for men, not for States. On every principle the rule of suffrage should be proportional in both branches of the government. The danger of combination among the larger States was imaginary; rivalry was more likely, as Madison had said. Sometimes monarchy, sometimes aristocracy, had been feared by the other side; if the executive were taken from one of the large States, would not the other two be thrown into the scale with the rest? Whence then the danger of monarchy? Were the people of the three larger States more aristocratic than those of the smaller? How then could a danger of aristocracy arise from them? They talked of States, and forgot what States were composed of. Was a real majority a hotbed of aristocracy? Aristocracy was a government of the minority. Bad governments governed too

much or too little. Which of these evils afflicted the United States? It was the latter,—weakness and inefficiency. They had been sent to the Convention to find a remedy; if the motion prevailed, the country would be left fettered as before, with the further mortification of seeing the principle adopted in the first branch defeated in the second.

The argument, said Ellsworth in reply, that the minority would rule the majority, if his own motion prevailed, was unsound. Power was given to the few to save them from destruction by the many. Was the idea novel? He pointed to the British Constitution, to the negative of the House of Lords. No instance of a confederacy without equality had in fact existed. They were razing the foundations when only the roof needed repairs. No salutary measure had ever been lost for want of a majority of the States to favour it. And he appealed again to the House to remember the plighted faith under which each State, great and small, held an equal right of suffrage in the government.

Madison, replying, said that it was a mistake to assert that there was no instance in which confederated States had not equality of suffrage. Passing over the German system, in which the King of Prussia had nine votes, he spoke of the Lycian Confederacy, the members of which had votes according to their importance; a government recommended by Montesquieu as the fittest model of a confederacy. To the appeal to plighted faith, he replied that those who required the keeping of faith should themselves be guiltless. Of all the States, Connecticut was perhaps least able to urge the point; by a recent vote that State had positively refused to comply with requisitions of Congress, and had sent a copy of the vote to that body. It was not enough that proportional voting governed one branch of the legislature; the majority of the States might still injure the majority of the people, by obstructing their wishes and by extorting measures from them. He contended that the division between the States was not between great and small; they were chiefly divided in regard to slavery. The division lay between northern and southern States; and if defensive power was necessary, it should be given accordingly. He had been so impressed with that fact, that he had been seeking a solution of the question before the Convention in that direction. The one which had occurred to him was, that representation in one branch should be according to the number of free inhabitants, and in the other according to the whole number, slaves counted as free citizens. But he would not add new difficulties to the problem.

Signs of willingness to make concession in favour of the smaller States now began to appear; but no one would go far enough. Wilson admitted that there might be trouble with the number of senators, on the Virginia plan. He made this suggestion: let there be one senator to each State for every one hundred thousand inhabitants; States not having that number having still one senator. Franklin proposed a plan drawn from the adjustment of rights in fitting out a ship having

several owners. It was in substance as follows. The legislatures of the States should send an equal number of delegates to the second branch. In questions affecting the States themselves, or the extent of authority over their citizens, there should be equal suffrage ; so with appointments to civil office in which the second branch had a part. In fixing salaries, and in providing for public expenses and revenues, the States should have suffrage in proportion to the sums which they severally contributed.

King was alarmed at the willingness to sacrifice the rights of men to the phantom of State sovereignty. He was prepared for any event rather than yield to a vicious principle. He might yield to some such expedient as that suggested by Wilson ; he would not listen to a proposal of equality. Madison too was willing to follow Wilson's suggestion, provided that due independence be given to the Senate.

Bedford argued that the Convention should provide against ambition and avarice. The voting in the Convention itself had been dictated by those passions. The large States were seeking to aggrandise themselves at the expense of the small. Georgia was indeed a small State, but was actuated by the prospect of being great; South Carolina was actuated both by present interest and future prospects. So of North Carolina ; so of the three great States. Could the small States act from pure disinterestedness ? They would be ruined by inequality, whether through combination or through competition of the greater States. The small States would meet the large on no ground but that of the Confederation. They had been told that this was the last chance ; he had no fear. The large States dared not dissolve the Confederation ; if they did dissolve it, the small would find foreign allies of higher honour and good faith.

Ellsworth's motion for equal suffrage was lost, on July 2, by an equal division ; and the debate was continued on the report of the committee in favour of proportional suffrage. But the Convention was soon at a full stop, as Sherman said; unwilling that it should break up, he proposed the appointment of a special committee to devise, if possible, some expedient. The suggestion was adopted.

Three days later this committee brought in a report, founded upon a motion made before it by Franklin, the purport of which was, that all money bills should (as in most of the States) originate in the first branch of the legislature, and that such bills should not be amended in the second, and that in the second branch each State should have an equal vote. Both of these proposals were to be adopted, or neither. The members of the committee had been of different minds; the report was brought forward merely to suggest some ground of accommodation. It was but barely agreed to by those opposed to equality ; the other side considered that they had practically gained their point. The concession in regard to money bills was not generally acceptable to the larger States. Experience, Madison said, had proved that such concessions

were useless. If seven States in the Senate wished a bill, they could find someone in the other branch who would set it in motion. And amendments could be handed in privately by the senators to members of the other House. Experience had also shown that such regulations were a source of frequent and obstinate altercation. A like motion, judged on its own merits, had been rejected on a former occasion, for these reasons. He considered that the Convention was reduced to the alternative of departing from justice to conciliate the smaller States and the minority, or of displeasing these by justly gratifying the larger States and the majority. He could not hesitate. It was vain to purchase concord on terms which must bring discord. The Convention ought to adopt a plan which would bear examination ; if at first men judged of the system by the Convention, they would at last judge of the Convention by the system.

Gouverneur Morris believed that if they recommended a plan which was reasonable, reasonable minds would embrace it everywhere. The ties of interest, kindred, and common habits were too strong to be broken easily. He was sure of New Jersey. The country at any rate must be united ; if persuasion did not unite it, the sword would, and the gallows and the halter would finish the work. He did not like the plan of equality in the Senate ; it would cause constant dispute and appeal to the States, and thus undermine the government. Suppose that the delegates from Massachusetts and those from Rhode Island, in the Senate, should disagree, and that the former were outvoted ; what would be the result? They would declare that their State would not abide by the decision. State attachments had been the bane of the country ; he would have their ideas enlarged. Who could say whether he, much less his children, another year would live in this State or in that?

Comments on the warmth of the debate, with disclaimers and explanations, followed ; and then discussion went off upon other parts of the special report, which may be passed over. Two days later (July 7) the question of equality in the Senate, under the special report, was again taken up. Gerry would agree to the report rather than have no accommodation. A government short of a proper national one, if generally acceptable, would be better than a proper government which, if carried out at all, must deal with discontented States. An equal vote in the Senate would, in the opinion of Sherman, be most likely to give to the government the requisite vigour. The small States had more vigour than the large ones ; hence the more influence the large States had, the weaker would be the government. If they voted by States in the Senate, equally, there must always be a majority of States on the side of public measures ; if they did not, there might be a majority of States against them. The government would find it hard to compel a majority, and would be weaker than ever.

After further remarks by Wilson against yielding, a vote was taken

on the words of the special report, "that in the second branch each State shall have an equal vote," and this part was adopted ; six States voting for it and three against, to wit, Pennsylvania, Virginia, and South Carolina. Massachusetts and Georgia were divided. One week later, on July 14, the subject was, on the motion of Wilson, reconsidered. He said that had their constituents voted as they had themselves, the vote would have stood as two-thirds to one-third against equality. The state of the case would yet become known ; it would appear that this fundamental point had been carried by one-third against two-thirds.

An adjustment was now moved by Charles Pinckney, making the Senate consist of thirty-six members ; the two smallest States, Rhode Island and Delaware, having one member each, the largest, Virginia, having five, and Massachusetts and Pennsylvania, four members each. Wilson, Madison, and King, from the three large States, favoured the motion, but without abating their belief in proportional suffrage. Gerry opposed the motion ; there was no hope, he said, that it would succeed ; adjustment must go further in favour of the smaller States. King preferred doing nothing to yielding to equality. The objection to proportional voting in the Senate, drawn from "the terms of the existing compact" in the Confederation, was inapplicable ; the rule in the Confederation for apportioning the public burden was fixed ; in the proposed government it could not be fixed, because indirect taxation was to be adopted. The objection from danger to the smaller States had little weight with him ; the general government could never wish to intrude upon the States ; there could be no temptation.

Madison too was still firmly opposed to equal suffrage in the Senate. If the smaller States really wished for a strong government, one that could enforce obedience upon the larger States as well as upon themselves, they were mistaking the means. He reminded them of the consequences of establishing the Confederation upon wrong principles. All the chief parties to it joined at once in fettering the government. It had been said that the government was to be partly federal, partly national. It did not follow that in one branch of the government equal suffrage, based on the equality of the States, should prevail, while in the other proportional suffrage based upon general population, should govern. The true ground for compromise, if there was any, was this : in all cases in which the government is to act upon the people, let the people be represented and the votes be proportional ; in all cases in which the government is to act upon the States as such, let the States be represented and the votes be equal. But there was no ground for compromise. He called for a single instance in which the general government was not to operate upon the people individually. The large States would find some way to have an influence in the government proportionate to their importance ; if they could not have proportional representation, their co-operation must be voluntary. Even in the Confederation

Delaware had not the weight of Pennsylvania. He repeated, that the real difference between the States was not between large and small, but between northern and southern, States. Slavery was the dividing line ; there were five States south, and eight States north of it. Under proportional representation the northern States would outnumber the southern ; but every day would tend towards equalising them.

Wilson would agree to equality if the error were one that time would correct, but it was not ; the error was mortal. He had considered the argument that equality was necessary to the preservation of the smaller States ; but he believed it unsound. Was there any reason to suppose that if their preservation should depend mainly on the large States, the safety of the States against the general government would be lessened ? Were the large States less attached to their existence than the small ones ?

Pinckney's motion was voted on shortly afterwards, and lost ; four States voting for it and six against. Virginia and Pennsylvania were with the ayes, Massachusetts with the nays. On the next day the whole report of the special committee, amended in several respects, was adopted, with the provision for equal voting in the Senate ; the vote standing five ayes to four nays. Pennsylvania and Virginia were among the nays ; Massachusetts was divided. New York, which doubtless would have supported the affirmative, was not represented ; Yates and Lansing had left the Convention on the ground that it was exceeding its powers ; Hamilton was absent, and would hardly have cast the vote of New York had he been present.

The delegates from the larger States were still unwilling to accept the decision of the House ; but in the actual state of things there was no use of further discussion. Randolph accordingly suggested adjournment for the day, that the larger States might decide what to do in the solemn crisis, and that the smaller might deliberate on means of conciliation. The suggestion prevailed ; but adjournment failed to help matters. A meeting of members from the larger States, with several from the smaller, took place on the next morning, before the Convention came together, and informally considered the situation, but without arriving at any agreement. Those who opposed equality were divided among themselves in regard to the course to be pursued, with the result that the delegates from the smaller States were encouraged to hold to the point they had gained ; which they did.

The decision in favour of equality therefore stood. A week later, individual voting among senators was agreed upon. The result was given accordingly to the committee of detail, and by that committee put into the draft Constitution of August 6. Thence the provision was without further difficulty inserted in the Constitution itself, as the first part of section 3, Article I.

Closely connected with the question of proportional representation

in the House of Representatives was the question of the basis of representation. What should the proportion rest upon? The Randolph resolution declared, as has been seen, that it should rest upon the quotas of contribution, or the number of free inhabitants, as might seem best in different cases. The substituted resolution of King and Wilson, referred to above, eliminating the Senate, provided for the House of Representatives "some equitable ratio of representation." The discussion of the resolution, running more or less on both lines, as a matter of fact in the first instance turned on the basis of proportion. That branch of the discussion will now be followed out.

Opening the debate, Dickinson urged that actual contributions by the States to the general government should be taken as the basis of representation. If duty were connected with interest, the States would not fail. King however pointed out that, as imposts were to be one source of the public revenue, the non-importing States would be in a bad situation; it might happen that they would have no representation. Franklin then proposed the plan already stated, of joint and equal supplies, with equality in the number of delegates. But nothing came of the proposal; and the committee, having already adopted the motion in favour of departing from the rule in the Confederation, now voted, nine States to two, for representation in proportion to the whole number of free inhabitants and three-fifths of all other persons, except Indians not taxed; adding the provision to the words "equitable ratio of representation" just adopted. So the committee reported to the Convention on June 13.

Later, on July 5, came the special conditional report before mentioned, giving to the first branch the origination of money bills. This report also proposed that representation in that branch should be on the scale of "one member for every forty thousand inhabitants of the description reported" by the committee of the whole as already stated.

Gouverneur Morris objected to the scale. He thought that property ought to be taken into consideration, as well as the number of inhabitants. The acquisition of property was the main object of society; he did not believe that life and liberty were of more value than property. Property ought then to be one measure of influence in the government. Further he looked to the admission of new States from the West. The Atlantic States ought to be secure of their power in the government; provision should be made to prevent their being outvoted.

Rutledge was of the same opinion; property was the chief object of society; and if numbers should be made the basis of representation, the Atlantic States would be overborne by the western. He accordingly moved that suffrage should be proportioned to the sums to be contributed by the inhabitants of the States respectively, with provision for a census at stated times. The motion was lost, South Carolina alone voting for it. A recommitment was now ordered, and a substitute

report made three days later ; which, after fixing the number of representatives in the first branch, for the present, at fifty-six, proposed that the national legislature should have authority, from time to time, to increase the number, and in case of division or union of States, or of the creation of new ones, to regulate representation upon the principles of wealth and population.

Gorham, a member of this special committee, said in explanation of the report that two objections had prevailed against the proposal of one member for every forty thousand inhabitants. The first was, that the representation would soon be too numerous; the second was, that the western States might, on that principle, outvote the Atlantic. Both objections were now removed. The total number fixed upon was small and could be kept so; and the Atlantic States, having the government in their own hands, could take care of their own interests, dealing out representation to the western States in safe proportions.

Patterson opposed the report ; an estimate according to the combined rule of numbers and wealth was too vague. Slaves were property only ; like other property, they were entirely subject to the will of the master. Had a man in Virginia a number of votes in proportion to the number of his slaves ? If then slaves were not represented in the States to which they belonged, why should they be represented in the general government? Did the slaves themselves vote? Why then should they be counted ? The plan reported would also encourage the slave-trade.

Madison suggested what he had already referred to, that the States should be represented in the first branch according to the number of their free inhabitants, and in the second — which, he said, had for one of its first objects the protection of property — according to the whole number, including slaves.

King had always believed that as the southern States were the richest, they would not join the northern unless that fact was respected. If the North wished to be protected in their greater commercial interests, they must give something in return. Slaves were to be considered in apportioning taxes ; and taxation and representation ought to go together.

The number fixed for present representation having been raised by the Convention to sixty-five, and apportioned among the States accordingly, an amendment to the rest of the special report was moved by Randolph to the effect that, to ascertain the changes in the population and wealth of the States, the legislature should be required to cause a census to be taken periodically, and should arrange the representation accordingly.

This was opposed by Gouverneur Morris and by Sherman, as fettering the legislature. Morris said that new States, in time of war or when war was imminent, might take advantage of the power to extort favours. Such provisions in the constitutions of the States had been found pernicious.

The new States from the West would preponderate in the scale; in time they would outnumber the Atlantic States in population. He would give power to the existing States to keep a majority of votes in their own hands.

Mason favoured the motion. There ought to be a revision from time to time. The apportionment of the sixty-five members properly gave a majority to the northern States; but the northern States ought not to outweigh the southern when the reason ceased. Those who had power would not give it up, unless compelled; if the southern States should have hereafter three-fourths of the people of America, the northern States would hold fast the majority of representatives; there would be no relief. The argument of danger from new States was selfishness. If the western States were to be admitted to the Union, they should be treated as equals.

Randolph's motion was now postponed for a substitute offered by Williamson, by which, to ascertain changes in population and wealth, a census should be taken periodically "of the free white inhabitants and three-fifths of those of other descriptions." Gouverneur Morris and Rutledge opposed the substitute on the ground that numbers were no just estimate of wealth; which Madison and Sherman contested. Morris would leave the regulation of representation to the legislature. He held the same opinion he had before expressed in regard to the western country. The West would not be able to furnish men equally enlightened in government with those from the Atlantic States; it was in the busy haunts of men, not in the remote wilderness, that political talents were schooled. If the western people should get power, they would ruin the Atlantic States. As for admitting the blacks into the census, the people of Pennsylvania would not be put upon the footing of slaves. He urged members from the South to put aside distrust; they need have no fear from leaving the adjustment of representation, from time to time, to the discretion of the legislature; duty, honour, and oath would govern. It was best to leave the interests of the people to the people's representatives.

Madison argued that population in America was a just measure of wealth; he would therefore fix the representation rather than leave the question to the legislature. Nor would he make any discrimination against the West. Imports and exports would be the chief source of revenue for the government; and as soon as the Mississippi river (controlled by Spain) was opened, which must happen when the West increased enough in population and ability to share the public burden, imposts on their trade could be collected at less expense and with greater certainty than on that of the Atlantic States. Meantime, as their supplies must pass through the Atlantic States, contributions from the West would be levied like those from the East. He would fix a perpetual standard of representation. It had been said that representation

and taxation were to go together; that taxation and wealth ought to go together; that population and wealth were no measure of each other. He admitted the last statement when applied to different climates with differing forms of government and differing stages of civilisation. He contended that the case was otherwise with the United States. Climate indeed varied; yet as government, laws, and manners were nearly the same, and intercourse was free, population, industry, arts, and labour would constantly tend to equalise themselves. The value of labour might be considered as the principal criterion of wealth and of ability to pay taxes, and would find its level in different places where intercourse was easy and free, with as much certainty as the value of money or anything else.

The Convention agreed to the part of the Williamson motion providing for a periodical census of free inhabitants, and went on to consider the provision for counting the slave population as three to five of the free. This was objected to by certain members from the North, on the ground already mentioned, that it would cause discontent among their people. In the further discussion of this part of the motion, Gorham said that estimates had been made in various towns of Massachusetts, and it had been found, even including Boston, that the most exact proportion prevailed between numbers and property. Wilson had observed a like relation in Pennsylvania; comparing the newer settlements even with Philadelphia, he could find little difference between numbers and wealth.

This part of Williamson's proposition was defeated; and finally the whole was rejected, no State voting for it as it then stood. The Convention was now thrown back upon the motion of Randolph, proposing a periodical census of wealth and population, to which was added a provision, agreed to by all, that "direct taxation ought to be proportioned to representation." Again it was chiefly a question of slavery; and members from the South spoke very plainly. Randolph urged that express security should be provided for including slaves in the representation. He regretted the existence of that kind of property; but it did exist, and the holders of it would require the security he asked for.

A motion to make the blacks equal to the whites in representation received the votes of only two States, South Carolina and Georgia. Finally the Convention adopted, entire, a proposal to apportion representation to direct taxation, the blacks to be as three-fifths of the whites in both particulars, and a census to be required within six years and within every ten years thereafter; six States voting for it, two against it, and two being divided. The South was now willing to strike out the word "wealth," and so moved. Gouverneur Morris, opposing, foresaw a transfer of power, in the plan as it stood, from the North to the South and the interior, in other words from the maritime to the landed interest; and the result would be that commerce would be oppressed.

He should accordingly be obliged to vote for the vicious principle of equality in the Senate, to provide some defence for the North. He did not believe in giving security to special interests ; there would be no end of demands. If slaves were property, as the three-fifths rule imported, the word "wealth" should not be struck out.

On the motion to strike out the word "wealth" all the States voted aye, except Delaware, which was divided. This was on July 13 ; no material change was afterwards made. The clause accordingly passed through the committee of detail and the draft Constitution of August 6 into the Constitution itself, as the third part of Article I, section 2. There it reads, in substance, that representatives and direct taxes shall be apportioned among the several States according to their respective numbers, these to be determined by adding to the whole number of free persons, excluding Indians not taxed, three-fifths of all other persons.

The qualification of electors voting for representatives in the first branch caused some debate, which may be passed over. The Randolph resolutions were silent upon the subject ; but it was finally voted that the qualification should be the same as that for electors in the several States respectively for the most numerous branch of their own legislatures ; and so the rule went into the Constitution, in Article I, section 2.

(3) Division of the Legislature

The third of the Randolph resolutions, providing for a legislature to consist of two branches, had been agreed to in committee of the whole, on May 31, without debate or dissent. On June 16, the Patterson resolutions being now before the same committee, the question whether the legislature should be divided or not was debated.

Patterson argued that the reason for dividing a State legislature into two branches was not applicable to that of the Union. In the States party heat prevailed, and a check to hasty or ill-considered legislation might be necessary. In such a body as (the existing) Congress, the check was less necessary ; and, besides, the delegations of the different States were checks upon each other. He urged also the objection of expense.

Wilson replied that there was danger of legislative despotism. If the power of the legislature were not restrained, there could be neither liberty nor stability ; and it could be restrained only by dividing it into distinct and independent branches. In a single House there was no check but the virtue and good sense of its members.

These remarks were made in considering the New Jersey plan in general. A more significant discussion took place a few days later, when the resolution of the committee (in favour of two Houses) came before the Convention; it was now once more a case of the great States

against the small. Voting by States, in the second branch, had been adopted in committee of the whole ; but still the smaller States were in favour of a single House ; and, if they could secure voting by States in this, they would gain the day completely. They preferred that to any advantage of checks between two Houses, one of which they could not control.

The resolution being before the Convention, Lansing moved to substitute for it a provision that the powers of legislation be vested in the United States in Congress, as in the Confederation. His reasons were, the want of power in the Convention to depart from the principle of the Confederation, and the state of the public mind. Mason replied to both points. The first was of no weight, as the decision was not to be made there but by the people ; as for the second, he was sure the people were attached to legislatures with two branches. Their constitutions were so much in accord in this respect that they seemed almost to have been preconcerted. Pennsylvania and the existing Congress were the only exceptions. Martin however saw no need of two branches ; if there were need, the legislature might be organised in two parts. Sherman also thought that there was no need of dividing the legislature, though he admitted that it was otherwise with the States ; all confederacies had single chambers of legislation. Congress had carried the States through the war perhaps as well as any government could have done. The present complaint was, not that Congress was unwise, but that the powers of Congress were insufficient. To add another branch to Congress, to be chosen by the people, would only work embarrassment. The people would take no interest, and in the large districts the business would fall into the hands of designing men. He did not believe, what others professed, that the State legislatures would be unfriendly to the national one. The disparity of the States was the main difficulty, and the reason for the resolution of the committee. If that difficulty, which was one of representation, could not otherwise be got over, he would agree to the resolution, with proportional representation in one branch, provided that each State should have an equal voice in the other.

Wilson urged the need of two branches. If no model could be found, this was not strange. The number of confederacies was small, and their duration often short. He had himself been a member of Congress for six years, and had felt its weakness to the full. He appealed to the recollection of others, whether the public interest had not often been obstructed by the smaller States. The success of the Revolution had not been due to Congress ; the war went on in spite of difficulties arising from Congress. The large States had indeed acceded to the plan of Confederation ; but that was from necessity, not of choice. Jealousies between the State legislatures and the national legislature would, he believed, exist, and there ought therefore to be a branch of the legislature not representing the States.

The Convention voted against Lansing's motion; the four smaller States of Connecticut, New York, New Jersey, and Delaware alone supporting it. On the following day Johnson wished to know how the States could be preserved unless equal voting were given to them — a thing which could not be effectual unless it extended to the whole legislature. Wilson turned the question, asking how the general government could be secured against the States; the means of defence ought to be reciprocal. The States were to have their means of defence in one branch of the legislature; the general government should be able to defend itself in the other, which it could do only if that were placed beyond the control of the States as such. Further, he saw no danger to the States from the general government; alarm would follow and defeat combinations, if attempted, among the large States. The general government would be as ready to protect the States as the States were to protect individuals. Madison believed that there would be less reason to fear the general government than to fear the States, and that encroachment by the former would be less mischievous than encroachment by the latter.

A vote was now taken, which resulted in the adoption of the committee's resolution; seven States voting aye; three, New York, New Jersey, and Delaware, nay; one, Maryland, being divided. The resolution then went through the regular course without further discussion and passed into the Constitution as section 1 of Article 1.

(4) Election of the first branch

The fourth of the Randolph resolutions declared, in its first clause, that the members of the first branch of the legislature should be elected by the people of the several States. This resolution was reached in committee of the whole House on May 31, and debate upon it began at once.

Sherman opposed the resolution; he argued that the people should have little to do with the government; they lacked knowledge and were likely to be misled. The election should be by the State legislatures. Gerry considered that the evils experienced by the country flowed from too much democracy; the people were not wanting in virtue, but they were the dupes of pretending patriots. Still he favoured election to the first branch by the people, in order, as he said later, to inspire them with confidence in the government.

Mason favoured election by the people. The first branch of the legislature was to be the depositary of the democratic principle; it was to be the American House of Commons. It should therefore be in sympathy with every part of the community. We had been too democratic, but there was danger of running into the opposite extreme.

Wilson urged that the most numerous branch of the legislature should be drawn immediately from the people. No government could exist long without the confidence of the people. Further, it would be wrong to increase the weight of the State legislatures by making them electors of the national legislature; all interference between the general and State governments should be avoided so far as possible. Opposition to federal measures had proceeded more from officers of the States than from the people. Madison favoured refining the second branch by successive filtrations; but popular election of one branch was essential to free government.

The resolution prevailed, six States voting for it and two against it, two being divided. New York was now with the majority, South Carolina with the minority; the three great States voted in the affirmative. This was on May 31. On June 6 Charles Pinckney, upon reconsideration, moved that the election be by the State legislatures. He contended that the people were not fit judges, and further that the State legislatures would be less likely to aid the adoption of the new Constitution if they were excluded from all share in the government. Wilson wished for vigour in the government, but he would have the vigour flow immediately from the true source of all authority. The legislature ought to be an exact transcript of the whole society. Representation was necessary only because it was impossible for the people to act collectively. Sherman argued that elections by the people would be fatal to the State governments. If the State governments were to be continued, it was necessary, in order to secure harmony between the general government and the States, that the former should be elected by the latter. Mason observed that, since the new legislature was to act upon the people individually, the people should choose the representatives. The people too would send sounder men to the seat of government than would the State legislatures. Madison argued, in addition to what he had urged before and now repeated, that election of one branch by the people would prevent the States from exerting too great an influence on the general government. General Pinckney considered it impracticable that either branch of the government should be elected by the people, scattered as they were in many States, particularly in South Carolina. He did not agree with those who believed that election by the people would furnish safer men than election by the State legislatures, and referred to the paper money agitation in his State; the people wanted paper money, but it had been refused by the legislature.

The motion was lost, three States voting for it and eight against it; and the resolution as originally drawn, in favour of election of the members of the first branch of the government by the people, prevailed in the committee. General Pinckney raised the question again in the House, in Convention, moving, on June 21, "that the first branch,

instead of being elected by the people, should be elected in such manner as the legislature of each State should direct." That would give more satisfaction, since the legislatures could accommodate the mode to the convenience and opinions of the people ; it would also provide a way of avoiding the undue influence of large counties.

The motion was lost, four States voting aye, six no, with one divided ; and then it was voted by the Convention, nine States to one, with one State divided, that election to the first branch of the national legislature should be by the people. So the result went to the committee of detail and then passed into the draft Constitution of August 6, and finally into the Constitution, as the first part of Article I, section 2.

(5) Election of the second branch

The fifth of the Randolph Resolutions had provided that the members of the second branch of the legislature should be elected by those of the first, out of the proper number of persons nominated by the State legislatures. Randolph observed, when the subject first came before the committee of the whole House, that the general object of the Senate was to provide a cure for the evils under which the country laboured ; that in tracing these evils home every one had found that they came of the turbulence and follies of democracy ; that some check was to be found; and that a good Senate seemed most likely to answer the purpose.

Wilson was of opinion that both nomination by the State legislatures and election by the first branch of the national legislature were wrong, because the second branch ought to be independent. Both branches ought to be chosen by the people, though he was not prepared to say by what method ; but he referred to the mode of choosing senators in New York, where several districts of election for the first branch were united into one. Later, Wilson said that dissension would arise between the two branches if one were chosen by the people and the other by the State legislatures. Madison thought that election by districts would destroy the influence of the smaller States associated with the larger in the same district ; the latter would choose from themselves, though better men might be found in the former. They had had such experience in Virginia (in elections to the State legislature).

The Randolph resolution was now rejected ; three States voting for and seven against it. A week later (June 7) Dickinson, in the interest of the smaller States, moved in the committee that the members of the second branch be chosen by the State legislatures. He had two reasons ; first, the sense of the States would be better collected through their legislatures than from the people ; secondly, he wished the Senate

to consist of the men most distinguished in rank and property, so that it should bear as strong a likeness as possible to the British House of Lords; and such men were more likely to be elected by the State legislatures than by the people. And he favoured a large number; this he said in evident anticipation of the suggestion that proportional representation, already adopted for the first branch, would make the Senate too large. If the motion prevailed, it would therefore help the smaller States, as it actually did, in the struggle for equality in the Senate. The motion was supported by Sherman, who argued that the States would thus become interested in supporting the national government, and that due harmony would be maintained.

Madison said that if the motion prevailed they would have to depart from proportional representation or admit into the Senate a very large number of members. The first was unjust, the second inexpedient. Enlarge the number of senators, and the vices which they wished to correct would increase. The weight of the Senate would be in inverse ratio to its numbers. The Roman tribunes lost influence and power as their number was increased; they fell a prey to their aristocratic foes. So the more the representatives of the people were multiplied, the more they would have of the infirmities of the people. When the weight of a set of men depended only on personal character, the greater their number the greater their weight; when it depended on the degree of political authority lodged in them, the smaller their number the greater their weight.

Gerry observed that four methods of appointing the Senate had been mentioned, to wit: first, by the first branch of the national legislature. That would create dependence, and hence defeat the end proposed. Secondly, by the national executive. That would be a stride towards monarchy. Thirdly, by the people. The people composed two great interests, the landed and the commercial; to draw both branches from the people would leave no security to the commercial interest, that of the people being chiefly agricultural. Fourthly, by the State legislatures. The elections being carried through this refinement, there would be apt to result some check in favour of the commercial interest against the landed. He favoured this last method.

Dickinson argued the question with reference to the possibility that the smaller States would lose ground unless election to the Senate should be fixed in the State legislatures. That method fixed, the smallest as well as the largest State must have representation in the Senate, and have it by the State in its corporate capacity; while otherwise, if proportional representation should be adopted for the Senate, it might be necessary to join the smallest States, Delaware and Rhode Island, to others in order to make up for their lack of population. It was indispensable to secure a certain degree of influence for the States; this would establish a desirable check between the authorities. The proposed national system

was like the solar system, in which the States were the planets and ought therefore to be left to move freely in their own orbits. Wilson, he said, wished to extinguish the planets. But if the State governments were excluded from all agency in the national system, and all power drawn from the people at large, the result would be that the national government would move in the same direction as that in which the States now moved, and would run into the same mischiefs. He adhered to the opinion that the Senate ought to be composed of a large number, and that the influence of the body, from family and other causes, would be increased thereby. He did not admit that the Roman tribunes lost weight as their number was increased.

Wilson agreed that the question was a difficult one ; but they must settle it. He denied that the British Constitution could be a model for them ; there were no materials for anything like it. He did not see the danger of the States being devoured by the national government ; the danger was the converse. But he was not for putting out the planets ; nor did he believe that they would warm or give light to the sun. They must be suffered within their proper orbits, for subordinate purposes, for which they were made essential by the great extent of the country. He was for election by the people, in large districts, regardless of the size of the States.

Madison could not understand how family weight would be carried into the Senate more certainly on Dickinson's plan than in other ways. The great question was, how to make the best choice. If other modes would give the Senate as good men, there could be no need of appointment by the State legislatures ; nor was it apparent that Dickinson's plan would afford a better check than other plans. The legislatures ran into bad schemes of paper money and the like whenever the people asked for them, and sometimes when they did not.

Gerry re-asserted that the commercial interest would be more secure in the hands of the State legislatures than in the hands of the people. The former had more sense of character ; in Massachusetts the county conventions had declared for a depreciation of paper that would sink the project. Besides, there were two branches of the State legislatures, one of which was somewhat aristocratic ; there would therefore be, so far, a better chance of refinement. He objected to election by districts for several reasons ; one had already been referred to, that a small State would form but part of the same district with a large one, and hence would have no chance of gaining an appointment for its own citizens.

Dickinson's motion prevailed (June 7), all the States present voting for it. The question came before the House in Convention on June 25 ; where, on the same day, the vote in committee was affirmed, nine States aye, two States, Pennsylvania and Virginia, nay. The decision went accordingly to the committee of detail, and thence into

the draft Constitution of August 6, and without further discussion into the Constitution. There it appears in the first part of Article I, section 3.

(6) Powers of Congress

The sixth of the Randolph resolutions, as originally laid before the Convention, declared that each branch of the national legislature ought to have the right to originate Acts; that the national legislature ought to be empowered to enjoy the legislative rights vested in Congress by the Confederation, and moreover to legislate in all cases for which the separate States were incompetent, or in which the harmony of the United States might be interrupted by the exercise of individual (*i.e.* State) legislation; to negative all laws passed by the several States contravening, in the opinion of the national legislature, the Articles of Union or any treaty subsisting under authority of the Union; and to call forth the force of the Union against any member of the same failing to fulfil its duty under the said articles. This came up in committee on May 31.

The whole resolution, excepting the last clause, was speedily adopted, the only debate arising upon the word "incompetent" in the second clause. The word was thought by some to be too vague; the powers of the States were left in doubt by it. The real question was, whether or not there should be an enumeration of the powers of the general government. Madison had come to the Convention with a strong feeling in favour of enumeration and definition; but he had also brought doubts whether the idea was practicable. His wishes remained unchanged; but his doubts had grown stronger; what he might think later he knew not. He would not shrink from anything which might be found necessary to a form of government which would provide for the safety, liberty, and happiness of the country. All means necessary to that end must be granted, however reluctantly.

In regard to the last clause, providing for the coercion of States, Madison looked upon the proposal with disfavour. A union of States containing such an ingredient would provide for its own destruction. To use force against a State would look more like a declaration of war against it than like punishment for disobedience, and would be apt to be taken as a dissolution of the bond by which it was bound to the Union.

The clause was postponed and finally dropped; the rest of the Randolph resolution was reported to the Convention.

The question in regard to the word "incompetent" was now renewed; indeed the whole clause containing the word was objected to for vagueness. Accordingly, as a substitute for it, down to the words "individual legislation" inclusive, Sherman moved the following: "to make laws binding on the people of the United States in all cases which may concern the common interests of the Union, but not to interfere with the

government of the individual States in any matters of internal police which respect the government of such States only, and wherein the general welfare of the United States is not concerned." In explanation the mover read an enumeration of powers which he conceived to fall within the meaning of the provision, this enumeration not including direct taxation — a fact which was noticed and commented upon. The motion failed, two States only voting for it.

The following provision was now substituted by the House for the remainder of the clause after the words "to enjoy the legislative rights vested in Congress by the Confederation" — which words themselves were not disturbed: "and moreover to legislate in all cases for the general interests of the Union, and also in those to which the States are severally incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation." And then, with this amendment, the whole clause was adopted, two States, South Carolina and Georgia, voting in the negative.

The clause giving to the legislature power to negative State legislation was now taken up, and disposed of on the same day. Sherman thought it an unnecessary power; the Courts of the States, he said, would not uphold laws which contravened the authority of the Union. Martin, also opposing the idea, inquired whether all the laws of the States were to be sent up to the general government before they could take effect.

Madison, on the other hand, argued that the negative in question was essential to the efficacy and security of the general government. The necessity of a general government arose from the propensity of the States to pursue their particular interests, in opposition to the general interest. That propensity would continue to disturb the system unless effectually controlled; nor would anything short of a negative control it. The States would pass laws to accomplish their harmful purposes before they could be repealed by the national legislature or set aside by the national tribunals. Alluding, it seems, to the remark of Sherman concerning State Courts, he said that confidence could not be put in the State tribunals as guardians of the national authority. In Georgia the judges were appointed annually; in Rhode Island judges who had refused to enforce an unconstitutional statute were removed and others put in their place by the legislature, who would obey their masters. The power to negative bad laws was the mildest and also the most certain means of preserving the harmony of the system. He referred to the British system; nothing could maintain the harmony and subordination of the various parts of the empire but the prerogative by which in every part the Crown stifled in the birth every Act tending towards discord or encroachment. The prerogative had, it was true, been misapplied sometimes, through ignorance or partiality; but there was not the same reason for fear in the present case. As for sending all laws up to

the national legislature, that might be made unnecessary by some "emanation of power into the States" (sending persons into the States accredited with power) to give temporary effect to urgent legislation.

Gouverneur Morris said that the proposal would disgust all the States. The true way was to leave the improper law to be set aside by the judiciary, failing which the national legislature might repeal it.

The question being put, the proposal was rejected; three States only, Massachusetts, Virginia, and North Carolina, voting for it. The result was to leave the portion immediately preceding, as the basis of an enumeration of powers. The subject now went to the committee of detail, by which an article enumerating the powers of the national legislature was prepared and reported in the draft Constitution of August 6. The Convention proceeded to consider the article on August 16, and two days later completed the enumerating portion of it, with the exception of a clause giving power to the legislature to call out the State militia, which caused some trouble. Most of the other proposed powers were adopted with little difficulty.

By the first clause in the proposed article, power was given to the legislature to levy taxes, duties, imposts, and excises. Objection was made by members from the southern, or exporting, States that, under this power, the legislature might lay a tax on exports. Mason desired to have the clause modified, so as to render it clear that such taxation was not permitted, and he made a motion to that end. He hoped that the northern States would not deny to the southern this security; it would be as desirable to the North in the future, when the South became the most populous part of the country. Gouverneur Morris was opposed to the motion; in some cases it might not be equitable to tax imports without taxing exports also, and taxes on exports would often be the easiest to collect, and the most proper.

Madison opposed the motion for several reasons. First, he considered that the power of laying taxes on exports was proper, and as the States could not well exercise it, this power should be vested in the general government. Secondly, the power might be used with special advantage in regard to articles in which America had no rival in foreign markets, as in tobacco. Thirdly, it would be unjust to the States whose produce was exported by their neighbours to leave it to be taxed by them. A like grievance in respect of imports had already filled the non-commercial States with loud complaints. Fourthly, as the southern States were in most danger from abroad, and in most need of naval protection, they could not complain if the burden fell somewhat heavier upon them.

Mercer supported the motion. The States had now a right to tax both the imports and the exports of their non-commercial neighbours; it would be enough for them to sacrifice half the power. Nor would he admit that the southern States had most need of naval protection. The contrary was true; were it not for promoting the carrying trade of the

northern States, the southern States could let the trade go into foreign bottoms.

Sherman argued that it would be wrong to tax exports except in respect of articles which ought not to be exported. The complexity of business in America would make it impracticable to lay equal taxes on exports. Any oppression of the non-commercial States was to be guarded against by authorising the regulation of trade between the States. To give power to tax exports would wreck the whole work.

The motion to modify the clause was unsuccessful; but the failure of the motion affected the subject only in its relation to the first section of the article as to powers. Section 4 of the same article, in the reported draft of the Constitution, contained the following provision: "No tax or duty shall be laid by the [national] legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited."

This section should be considered in connexion with section 6 of the same article, which read: "No navigation Act shall be passed without the assent of two-thirds of the members present in each House." Both sections were framed in the interest of the southern States; the first clause of section 4 in that of all the southern States, as the chief producing and exporting region; the second and third clauses of the same section in the particular interest of South Carolina and Georgia, and, in less degree, of North Carolina; while section 6 was intended to prevent the more populous commercial States of the North and East from passing legislation in matters of navigation which might be to the injury of the southern States.

The Convention having, on August 21, reached section 4, the debate was renewed over the clause in regard to exports. The clause favoured of course those northern producing States which, having no harbours, were compelled to send their products through the ports of other States; but, according to some of the northern members, it did not go far enough, for it still left them liable to be taxed by the States of whose ports they had to make use. Langdon, of New Hampshire, a producing State without a port, raised the point; the prohibition, he said, should be extended to the States — which was subsequently done. Ellsworth, of Connecticut, a State also without harbours but with little to export, was satisfied with the clause, urging that the power of regulating trade between the States, which was to be given to the general government, would afford protection to States having no ports. If it did not, the attempt of one State to tax the products of another passing through it would force direct exportation by the latter. But Congress should, he thought, be restrained. Taxing exports would discourage industry, and the products of the different States were such that there could be no uniformity. There were but few articles which could be

taxed at all; rice, tobacco, and indigo might be reached, but a tax on those articles alone would be partial and unjust. Further, to tax exports would create incurable jealousies.

Gouverneur Morris was opposed to depriving the government of power to tax exports; if the government could not tax exports, an embargo could not be laid. He mentioned tobacco, lumber, live-stock, and masts for ships, as the products of different States; these were proper subjects of export duty; and to these the future would add skins, beaver, and other raw material, on which it might be politic to lay export duties in order to encourage American manufacturers. Dickinson and Madison also would have the Convention look to the future. A proper regulation of exports, however inconvenient then, might and probably would, in Madison's opinion, be necessary thereafter, and for the same purpose as the regulation of imports, namely, in aid of revenue, domestic manufactures, and just arrangements with foreign countries. An embargo too, as had been suggested, might be necessary, and that could be effected only by the general government. The regulation of trade between the States could only hinder a State from taxing its own exports, by authorising its citizens to carry their commodities freely into a neighbouring State which might not tax exports. He considered as groundless the fear that the burden of taxation would fall with undue weight upon the southern States. Most of the revenue was to come from trade, and it mattered not whether all the revenue from that source came from imports or half of it from imports and half from exports; imports and exports would be nearly equal in every State, and relatively the same among the different States.

Wilson was of like mind, though he was opposing the interests of his own State. Those who opposed the clause reported wished only to authorise, not to compel, the government to tax exports. To deny the power was to take away from the government half the regulation of trade; it was his opinion that power to tax exports might be more effectual than power to tax imports, in obtaining beneficial treaties of commerce.

Gerry was strenuously opposed to giving the power to the general government. It might be used to compel the will of the States. They were carrying things too far; they had already given powers to the general government of which they did not understand the exercise; with them the general government would be able to oppress the States. Mason feared the northern majority; the majority, when interested, would oppress the minority. And he argued that exports stood on a different footing from imports, in the matter of taxation. Imports were the same throughout the States; exports varied greatly.

As an adjustment of the difficulty Madison now moved that a two-thirds vote of Congress should be required for a law taxing exports. The motion was lost, five States voting for it, and six against it. On the

affirmative side was one southern State, Delaware; on the negative, one northern State, Connecticut. The clause as reported, forbidding Congress to tax exports, was now adopted, seven States voting aye, four voting nay. All the southern States, except Delaware, voted aye. Later a provision was adopted by the Convention, as part of the next section, prohibiting the States from laying duties on imports or exports; an extension of the draft report, which had only prohibited the States from taxing imports.

The clause against taxes on migration or importation of slaves now came before the Convention. The subject aroused warm debate. Martin strongly opposed the restriction. The clause as reported would encourage the slave-trade, because of the provision already adopted reckoning five slaves as three freemen for representation. Again, slaves weakened one part of the Union, which the other parts were bound to protect, by preventing further importation. And, further, the idea was opposed to the principles of the Revolution, and dishonourable to the character of Americans.

Rutledge took issue with most of the views just expressed; he denied the relevancy of the last one. The question was simply one of interest; it came to this: should the southern States (*i.e.* the three southernmost States) be parties to the Union? He was supported by his colleague Charles Pinckney. South Carolina would never adopt the Constitution if it prohibited the slave-trade. In every proposed extension of the powers of Congress, South Carolina had expressly objected to any meddling with the importation of negroes.

Mason opposed the clause; the slave traffic was infernal. Maryland and Virginia had already prohibited it; North Carolina was doing the same thing in substance. But that was vain if South Carolina and Georgia were to be at liberty to import slaves. The western people were already calling out for slaves for their new lands, and would fill the West with them if they had an opening. He spoke strongly against slavery itself; from every point of view he held it essential that the general government should have power to prevent the increase of it.

General Pinckney declared it to be his firm opinion that no amount of personal influence would prevail upon his constituents to consent to the Constitution, if Congress was to have power to prohibit the slave-trade. South Carolina and Georgia could not do without slaves. Virginia would gain by stopping importation; she had more than she wanted, and her slaves would rise in value. It would be unjust to require South Carolina and Georgia to federate on such unequal terms. He should consider that rejecting the clause was excluding South Carolina from the Union.

Dickinson considered it inadmissible, on every principle of honour and safety, that the importation of slaves should be authorised by the Constitution. The true question was, whether the happiness of

the country would be helped or hindered by importation ; and this question ought to be left to the national government, not to the States particularly interested. He could not believe that any State would refuse to federate on that basis.

Most of the leading members from the northern and New England States, unwilling to give cause for any State in the South to refuse to come into the Union, actively favoured the provision ; but, finally, owing to the differences above indicated, it was thought best to recommit the clause, together with the rest of the section to which it belonged, and also section 6, in regard to navigation laws, for adjustment. A committee of eleven, one from each State then represented, was chosen accordingly, and hit upon a compromise, reported three days later, August 24. The report proposed "that the migration or importation of such persons as the several States now existing shall think proper to admit shall not be prohibited by the legislature prior to the year 1800" ; that a tax or duty might be imposed on such migration or importation not exceeding the average of the duties laid on imports ; and that the sixth section should be struck out. On the next day General Pinckney moved to extend the limit of time for migration and importation to the year 1808. Gorham seconded, and Madison opposed, the motion ; the latter declaring that it would be more dishonourable to America to extend the time so far than to say nothing in the Constitution about the matter. The motion was carried ; seven States, those of New England among them, voting for it, and four against it. The four were New Jersey, Pennsylvania, Delaware, and Virginia. The whole clause as amended was now adopted by the same vote ; and then the clause concerning taxation was amended so as to give to Congress the power to impose a tax or duty on the importation of negroes of ten dollars for each person, and in that form was adopted.

Five days later, August 29, the report of the committee in favour of striking out the section requiring a two-thirds vote to pass any navigation Act, was taken up. Objections were still raised by the South, notwithstanding the compromise agreed upon by the committee of eleven. Charles Pinckney enumerated the different interests of the States, and urged that these would be a source of oppressive navigation laws if a bare majority were to be sufficient to pass them. The power of regulating commerce at all was a pure concession on the part of the southern States ; they did not need the protection of the northern States at present.

General Pinckney also said that it was for the interest of the southern States to have no regulation of commerce by the general government ; but he was willing to yield the point in view of the loss of commerce brought upon the New England States by the Revolution, of their liberal conduct towards South Carolina (referring

to the compromise in regard to the importation of slaves), and of the interest the weak States of the South had in being united with the strong States of the East. He accordingly thought that the power of regulating commerce should not be fettered.

To require more than a majority vote had, according to Sherman, always proved embarrassing; the country had had experience of this under the Confederation, in cases requiring the vote of nine States in Congress. A navy, Gouverneur Morris argued, was essential to the security of the States, particularly of the southern; and it could be had only by navigation laws encouraging American bottoms and seamen. Shipping too was a precarious kind of property and stood in special need of favour. Williamson, answering Sherman, did not believe that any useful measure had been lost in Congress for want of the votes, when necessary, of nine States; and he thought that the interests of the South required that navigation laws should not pass by a mere majority vote. The weakness of the South, to which reference had been made, did not trouble him; the climate was unhealthy and would forbid foreign interference. Mason argued that the South should not be bound hand and foot to the eastern States, as it might be if navigation Acts were to be passed by a majority vote.

Madison went into a full review of the subject. The disadvantage to the southern States from a navigation Act lay chiefly in a temporary rise of freight; but that would be compensated by an increase of shipping and by a removal of the troublesome retaliations by one State upon another. The power too of foreign countries to obstruct by corrupt influence American retaliation upon them, would be less if legislation could be passed by a majority. And he thought that any abuse of the power acquired by the North would be rendered improbable by the provision of two branches of Congress, by the independence of the Senate, by the negative to be given to the executive, by the interests of Connecticut and New Jersey, which, like the southern States, were agricultural, by those of the interior, which were agricultural even in the most largely commercial of the States, and by the admission of western States, which would be wholly agricultural. And the South would derive material benefit from increase of maritime power; the southern States, especially Virginia, were exposed to danger.

A motion to postpone this part of the report was hereupon lost, though favoured by four States, Maryland, Virginia, North Carolina, and Georgia. The report was then agreed to without dissent, and the clause requiring a two-thirds vote to pass a navigation Act struck out of the draft.

The whole subject of the powers of the legislature was now with little difficulty put into final form in the Constitution in Article I, sections 8 and 9.

(7) The executive

The seventh of the Randolph resolutions, as originally presented to the committee of the whole House, declared that a national executive should be instituted; to be chosen by the national legislature for a term left blank; to receive a fixed compensation, not to be increased or diminished so as to affect a magistracy then existing; not to be eligible a second time; and besides having general authority to execute the national laws, to enjoy the executive rights vested in Congress by the Confederation.

The committee proceeded to consider this resolution on June 1. The question first raised was whether the executive should consist of a single person or of more than one. Wilson moved that it should consist of but one — this with a view to giving energy, despatch, and responsibility to the office. Rutledge favoured the motion, especially on the ground of the greater sense of responsibility residing in a single executive. Sherman looked upon the office as but an agency, intended only to carry out the will of the legislature; the office ought therefore to be filled by the legislature itself as the best judge of the matter. He would leave it to the legislature to appoint one or more persons, as experience might dictate. Randolph strongly opposed unity in the executive, as the germ of monarchy; to that the fixed spirit of the people was opposed.

The committee now adopted the part of the clause in favour of a national executive, but felt unprepared to go on with the question of unity; and Wilson's motion for a single magistrate was postponed.

Madison thought that it would be proper first to fix the executive powers, on the ground that, as certain powers were in their nature executive, and hence must be given to that department whether it was to be held by one or by more than one person, a definition of the extent of the executive powers would assist the committee in determining whether to entrust the office to a single individual or not. He accordingly made a motion which, as amended by the committee, prevailed, to the effect that the following provision be substituted for that in the Randolph resolution — that the national executive have power to carry into effect the national laws, and to appoint to offices in cases not otherwise provided for.

The committee next considered the clause in which the duration of the executive term had been left open. Opinion varied between a term of three and a term of seven years; by a bare majority the committee fixed upon seven years.

The mode of appointing the executive stood next in order; and Wilson now moved that, instead of the mode provided by the resolution, the appointment should be by electors chosen in electoral districts, into which the States were to be divided. He was in favour of an election by

the people rather than by the national legislature; the people however voting not directly for the executive, but for electors who were to make the actual choice. This mode would give the people more confidence in the chief magistrate than if he were to be elected as proposed in the Randolph resolution.

Gerry also opposed election by the national legislature; that would create constant intrigue; the legislature and the candidates would bargain, and play into each other's hands. At the same time he feared that the mode proposed by Wilson would give a handle to the partisans of State authority, as tending to do away with the States. He seemed to prefer taking the suffrage of the States to that of electors, but was not clear in regard to the best course.

Wilson's motion was lost, only two States voting for it; and the provision of the Randolph resolution was then agreed to. Postponing the question of salary, the committee proceeded to consider a motion by Dickinson that the executive be removable by the national legislature, on the request of a majority of the legislatures of the States.

This was a counter-motion to Wilson's. Wilson wished to reduce the small States to their place in a rule of proportion; Dickinson to give the small States their place as States, at every point in the system. Madison and Wilson accordingly opposed the motion. It would enable a minority of the people to prevent the removal of a magistrate justly considered removable in the eyes of the majority; it would also open the door to intrigue against a magistrate whose administration, though just, was in some States unpopular.

In reply, Dickinson, setting out with the proposition that the legislative, executive, and judiciary departments of the government should be made as independent as possible, said that an executive such as some appeared to have in mind (meaning a strong executive) was not consistent with a republic. A firm executive could exist only in a limited monarchy; and though he considered a limited monarchy one of the best kinds of government, such a government was out of the question here. For the present plan the sources of stability were first, the division of the legislature into two branches, and secondly, the division of the country into States. That division ought to be maintained and considerable powers left with the States. Hence the States ought to possess influence as to removing the chief magistrate, upon occasion.

The motion was lost, Delaware alone supporting it.

It was now moved that the executive office be filled by one person. The motion was earnestly opposed by Randolph. First, it savoured of monarchy, to the very semblance of which the people were adverse; secondly, unity was unnecessary; thirdly, the needful confidence would never be reposed in a single magistrate; fourthly, appointment would generally be from the neighbourhood of the capital, and the remoter parts of the country would have no standing.

In answer to the last statement Butler contended that a single magistrate was most likely to meet the purpose of the remote parts of the country. A single magistrate would be responsible to the whole, and impartial to its varying interests. If three or more (the suggestion of three was a favourite one with those who opposed unity) should be taken from as many districts, there would be a constant struggle for local advantages. In military matters this would be particularly mischievous. He himself had witnessed how a plurality of military heads had distracted Holland.

Wilson saw no evidence that the people were opposed to a single magistrate ; they knew that a single magistrate was not a King. All the thirteen States, though agreeing in little else, agreed in having a single magistrate. Besides giving energy, despatch, and responsibility to the office, a single magistrate would secure tranquillity. Among three equal members he foresaw nothing but uncontrolled and continued animosity.

The motion for a single magistrate prevailed ; seven States voting for, and three against, it. The latter were New York, Delaware, and Maryland ; a majority of the delegates from Virginia being opposed to Governor Randolph, Virginia voted for the motion. The subject was not further agitated, and passed on through the draft Constitution of August 6 into the Constitution. There it appears in section 1 of Article II.

On the next clause of the same seventh Randolph resolution, according to which the executive was to be elected by the national legislature, there was much debate, with alternating and conflicting results. Gouverneur Morris, opening the debate, again strongly opposed the clause. The executive would be the mere creature of the legislature if both appointed and impeachable by that body. He should be elected by the people at large. If the people elected the chief magistrate, they would not fail to prefer a person of distinction for character and services ; if the legislature elected, the choice would be the work of intrigue, cabal, and faction. He accordingly moved to strike out the words "national legislature" and insert "citizens of the United States."

Sherman believed, as he had expressed himself in committee, that the sense of the nation would be better expressed by the legislature than by the people at large. The people would not be sufficiently informed; and further, they would never give a majority of all the votes to one man. They would generally vote for someone of their own State, and the largest State would have the best chance.

Wilson, replying to the argument that there would never be a majority for one person, said that a majority was not a necessary principle of election, nor was it required in any of the States. But allowing it full force, the difficulty might be overcome by the expedient adopted in Massachusetts, where the legislature, by a majority vote,

decided in case a majority of the people should not concur in favour of any candidate.

Charles Pinckney opposed election by the people. The people would be led by a few active, designing men ; and the most populous States, by combining, would be able to carry their point. The national legislature, on the other hand, being most directly interested in the laws made by it, would take the most care to choose a fit person to carry them out.

Both points made by Pinckney were contested by Gouverneur Morris. Instead of a combination of the people of the populous States, there would be combinations in the legislature. As for the influence of a few designing men, that could prevail only in small districts. In the election of the governor of New York that sort of thing sometimes happened in particular localities, but the general voice of the State was never affected. He also answered the argument from lack of information by the people ; the people would not be uninformed of those great characters who merited their esteem and confidence.

Mason, on the other side, thought a government with a chief magistrate to be elected by the people impracticable ; it was as unnatural as to refer a trial of colours to a blind man. The extent of the country rendered it impossible for the people to judge of the merits of the candidates ; to which Williamson added, that while there were at the present time distinguished characters, known to everyone, it would not always be so.

A vote was now taken, and only one State favoured the Morris motion. Hardly better fared a motion to the effect that the executive should be chosen by electors chosen by the State legislatures. It was then (July 17) voted unanimously that the executive be chosen by the national legislature. A change, on July 19, to election by electors appointed by the State legislatures, was in its turn set aside, and election by the national legislature was again agreed upon, on July 24.

The mode of election bore directly upon the independence of the executive ; and the vote last taken brought on motions, on the one hand, for re-eligibility, and, on the other, for extending the term of office beyond the seven years, which opened the whole subject again.

If the chief magistrate must be elected by the national legislature, Wilson would give him a single, long term of office ; dependence of the executive must be prevented as far as possible. Gouverneur Morris again earnestly opposed election by the legislature. When the personal interest of members was opposed to the general interest, the legislature, otherwise trustworthy, could not be too much distrusted. In all public bodies there were two parties ; the executive would necessarily be more connected with one than with the other. There would be a personal interest, therefore, in one of the parties to oppose, in the other to support, it. Much had been said of the intrigues which would be practised by the executive to get into office ; nothing had been said of

the intrigues to get him out. Men would covet his place, and cabal with the legislature, until the end was gained. As for the danger of monarchy, they might have something worse, if the executive should not be properly chosen. To get rid of dependence of the executive on the legislature, the expedient of making him ineligible a second time had been devised. In other words, we should have the benefit of experience, and were then to deprive ourselves of the use of it. The chief magistrate at the end of a long term would not cease to be a man ; he would wish to continue in office. The road by the Constitution would be cut off ; so he would make a road with the sword. It was a difficult thing rightly to balance the executive. Make him too weak, the legislature would usurp his authority ; make him too strong, he would usurp legislative powers. He preferred a short period, with re-eligibility, but a different mode of election from that which had been provided for.

Various expedients were now brought forward ; by Wilson, in favour of electors to be taken by lot from the national legislature ; by Ellsworth, for appointment by the national legislature, with re-eligibility by the choice of electors appointed by the State legislatures ; and by Gerry, for appointment by the governors of the States with the advice of their Councils, or, if there were no Council, by electors chosen by the State legislatures. Ellsworth made a formal motion in favour of his proposal.

The subject was discussed by Madison. There were objections to all modes. Election must be by some authority under the national or State constitutions, or by some special authority derived from the people, or by the people themselves. Election by the judiciary was out of the question ; the only other national authority was the legislature. But there were in his judgment insuperable objections to such election. Apart from the effect upon the independence of the chief magistrate, such election would agitate and divide the legislature so as to interfere with public interests. In the next place, the candidate would intrigue with the legislature; he would owe his election to the predominant faction, and then would be apt to be subservient to that faction. Further, the ministers of foreign powers would use the opportunity to mix their intrigues in the election. Germany and Poland were witnesses to the danger. He then considered the three branches of the State governments, and found objections to election by any of them. The State legislatures had betrayed a propensity to pernicious measures ; one object of the national government was to control that propensity ; and one object of giving the national executive a negative on legislation was to control the national legislature so far as it might be infected with a like propensity. Refer the appointment of the executive to the State legislatures, and that purpose might be defeated. Appointment by the State executives was liable to the objection that they could and would be courted and intrigued with by the candidates, by their partisans and

by foreign powers. The State judiciaries could not be thought of. The choice then lay between appointment by electors chosen by the people and an immediate election by the people. He thought the first was free from many of the objections urged, and far preferable to appointment by the national legislature. The electors chosen would meet at once and proceed immediately to an appointment, so that there would be little chance for cabal or corruption. This mode had however been rejected so recently by the Convention that it could hardly be proposed again. He passed therefore to election immediately by the people. That, he believed, would be the best mode. He would notice but two objections; first, the disposition of people to prefer a citizen of their own State, and hence the disadvantage to which the smaller States would be exposed. This objection he thought less important than objections to other modes; and it might be obviated. The second arose from the disproportion of voters in the northern and southern States, and the consequent disadvantage to the latter. The answer was, first, that this disproportion would be continually decreasing, and secondly, that local considerations must give way to the general welfare.

Ellsworth's motion was hereupon lost; four States favouring, seven opposing, it. Charles Pinckney then moved that election by the national legislature be qualified with a proviso, that no person should be eligible to the executive office for more than six in any twelve years. The motion was favoured by Mason and Gerry, and opposed by Gouverneur Morris. Morris was against rotation in office (this was a popular watchword), in every form; rotation was a school in which the scholars, not the masters, governed. The evils to be guarded against were, first, the undue influence of the legislature, secondly, the instability of counsel, thirdly, misconduct in office. To guard against the first, they ran into the second; rotation produced instability; change of men was followed by change of measures. They had seen it in Pennsylvania; Rehoboam would not imitate Solomon. Nor would rotation prevent intrigue and dependence upon the legislature. The magistrate would look forward to the time, however distant, when he would be re-eligible. Finally, to avoid the third evil, impeachments would be necessary — another reason against election by the legislature. He favoured election by the people, and next, the suggestion of Wilson, that it should be by electors chosen by lot from the legislature.

A motion was now made that the people should elect the executive upon the plan of each man voting for three candidates. One, it was suggested, would probably be from the voter's own State, the other two from other States; and thus the small States would not be at a disadvantage. The plan was favoured by Gouverneur Morris and Madison, and opposed by Gerry. The motion was lost; five States voting aye, six nay. Then Charles Pinckney's motion was rejected, also by a majority of one. The resolution in regard to the executive, except the part

making the executive consist of one person, was next referred to the committee of detail. A motion now prevailed reinstating the clause that the executive be appointed for seven years and be ineligible a second time; and then the whole resolution, as it had first been reported by the committee of the whole House, was passed and sent to the committee of detail, to prepare from it a formal article in the draft Constitution. There it appeared, August 6, as Article X. The article contained also a provision for the removal of the executive, now named President, by impeachment, in case of misconduct — a provision not in the Randolph resolutions.

On August 24 a motion was made once more to substitute election by the people for election by the national legislature; but only two States voted aye. Election by State votes in the legislature was rejected by a majority of one, and election by a majority vote of the members present in the legislature was provisionally accepted, only one State voting nay. An attempt to change the decision in favour of election by the legislature into appointment by electors to be chosen by the people having been rejected by a majority of one, further consideration of the subject was postponed; and later a special committee of eleven, one from each State present, was appointed to consider and report some substitute for the whole plan. The Committee reported on September 4, in substance as follows.

The President and Vice-president were to hold office for four years, and were to be chosen by electors, as the State legislatures should direct, equal in number to the total of senators and representatives in Congress to which the States respectively were entitled; these electors to vote for two persons, one not of their own State, and to send their votes to the Senate to be counted. The one having the highest number of votes, if a majority of the electors, was to be the President; if no election resulted, the Senate was to choose as President one of those having a majority if more than one had a majority, or one of the five having the highest number if no one had a majority; and after the choice of the President the person having the greatest number of votes was to be Vice-president, the Senate deciding the question in case two or more had the same number of votes.

Strong opposition to the plan was made by Charles Pinckney, Rutledge, Williamson, and Randolph; while others, among them Wilson and Madison, desired one modification or another. The chief objection was that the plan would give too much power to the Senate, laying the foundation there for an aristocracy. However a motion made by Wilson to strike out "Senate" and insert "legislature" failed; three States voting for it, seven against. It was still a question largely of the greater against the smaller States. King observed that the influence of the smaller States in the Senate was somewhat balanced by the influence of the large States in bringing forward candidates, and also by

the concurrence of the small States in the clause vesting the origination of money bills exclusively in the House of Representatives. Wilson pressed the objection that the whole plan now ran towards an aristocracy in the Senate. The Senate would have the appointment of the President (in event of failure of the electors to make a choice), and through his dependence upon that body, the virtual appointment to offices, among others to the judiciary. The Senate was to make treaties, and to try impeachments. That, taken with what was now proposed, would combine the powers of the legislature, the executive, and the judiciary in one body.

Gouverneur Morris contested this view; and Hamilton, though disliking the general scheme of government, liked much of the plan of the special committee. In the draft Constitution the President was a monster, elected for seven years and ineligible afterwards, having great powers of appointment to office, and constantly tempted, by being allowed but one term, to abuse his power in order to subvert the government. Eligibility to another term would not help matters, if the President was to be elected by the legislature; he would still be tempted to use corrupt influence in order to secure continuance in office. Considering the different feelings of different States, and the variety of districts, northern, middle, and southern, it would probably happen, as had been suggested, that the votes would be scattered, and that, according to the mode now favoured, the election would devolve upon the Senate. He too deprecated such a result, and suggested as a remedy that the highest number of votes, whether a majority or not, should elect. A small number might then, it was true, decide the question; but as the plan now stood, the Senate might elect as President the candidate having the smallest number of votes.

The whole clause of the special report, providing for election of President and Vice-president, for a term of four years, by electors etc., was now adopted, only two States voting against it. The House of Representatives, voting by States, was then substituted for the Senate as the body to elect in case of failure of the electors to do so; the Vice-president was to be *ex officio* President of the Senate; and with slight alteration the work was done, and became part of the Constitution, in Article II, section 1.

The provision for removal of the President on impeachment and conviction passed the committee without debate. But in Convention objection was raised, and a motion was made by Charles Pinckney and Gouverneur Morris to strike out the clause. Pinckney was of opinion that the President ought not to be subject to impeachment while in office; Morris thought that it would be enough to punish his coadjutors, and found practical difficulties in the method proposed by the resolution. Was impeachment to suspend his functions? If not, the mischief would go on; if it was, the impeachment would be nearly

equivalent to displacement, and would make the executive dependent upon those who were to impeach.

Mason was opposed to the motion; should he who might commit the greatest wrong be above justice? He would punish principal as well as coadjutor. Appointment by electors would furnish a peculiar occasion for impeachment; the electors might be corrupted by the candidates. Franklin was in favour of retaining the clause, as just to the executive. History furnished but one example of a first magistrate being formally brought to public justice. What had been the method before? Assassination. Madison thought it indispensable that provision should be made to save the country from incapacity, negligence, or perfidy. The limitation of the term was not a sufficient security. In the case of a single executive, loss of capacity or corruption was particularly within possibility.

King made the chief reply. He expressed a fear that extreme caution in favour of liberty might enervate the government. He would have the House recur to the maxim, that the three great departments of State should be separate and distinct; that the executive and judiciary should be so as well as the legislature; that the executive should be so equally with the judiciary. Would that be the case if the executive should be impeachable? The judiciary, who were to be impeachable, stood on different ground; they were to hold office during good behaviour, while the executive would hold but for a short term, like the members of the legislature. Like them, he would be tried by the electors periodically for his behaviour, and continued in office or not, according to the manner in which he had executed his trust. Like them therefore he ought not to be subject to an intermediate trial by impeachment.

Randolph, while favouring a provision for impeachment, still saw the difficulties and the need of caution. He suggested an idea which had fallen from Hamilton, of forming a body out of the judges of the State courts, and even of requiring some preliminary inquest whether just ground of impeachment existed.

The motion to strike out the clause was lost; and the provision that the executive should be removable on impeachment was adopted, two States, Massachusetts and South Carolina, voting nay. The subject went later, for adjustment in regard to the mode of impeachment, to the special committee of eleven, with other matters; which committee reported on September 4 a provision that the President should be removed on impeachment by the House of Representatives and conviction by the Senate for treason or bribery. The Vice-president was then to exercise the powers of the office until the election of another President. The Convention added to "treason or bribery" the further words "or other high crimes or misdemeanours"; and the provision then passed into the Constitution, partly as one of the regulations

touching the House of Representatives, partly as one of those touching the Senate, and partly as the last section of the article relating to the executive.

(8) Council. — Executive veto

The eighth of the Randolph resolutions provided that the executive and a convenient number of the national judiciary ought to compose a Council of Revision, with authority to examine all Acts of the national legislature before going into operation, and all Acts of the State legislatures, before a negative thereon should be final; and that the dissent of the said Council should amount to a rejection, unless the Act of the national legislature should be passed again, or that of a state legislature be again negative by (a blank number of) members of each branch.

The first clause of this resolution came on for consideration in committee of the whole House on June 4. Gerry doubted whether the judiciary ought to form part of the Council; the judges, in their official capacity as judges of the constitutionality of laws, would be able to check encroachments upon their department. He accordingly made a motion, which prevailed, to postpone the clause, in favour of one giving to the executive alone the right to negative legislation of the national government unless overruled by a vote (of two-thirds, as afterwards provided) of each branch. A motion by Wilson and Hamilton to give the executive an absolute negative was at the same time, after some debate, rejected by vote of all the States represented. The effect of adopting the Gerry motion was to set aside the whole of the eighth Randolph resolution, as it did away entirely with the proposed Council of Revision.

On reconsideration Wilson moved to add to the Gerry proposal "a convenient number of the national judiciary." He thought it expedient to strengthen the executive by the influence of the judiciary in the negative of laws.

The amendment was favoured by Madison. The great difficulty in making the executive office equal to its own defence arose from the nature of republican government. That form of government could not give to an individual citizen the settled pre-eminence, the weight in respect of property, the personal interest against betraying the nation, which belonged to a hereditary magistracy. In a republic merit alone must be the ground of political preferment; but it would seldom happen that merit would be so great as to secure universal approval. The executive would be envied and assailed by disappointed competitors; it would therefore need support. It would not have the great profits of office, or the permanent stake in the public welfare, which would place it beyond the reach of corruption from abroad; it would therefore need

to be controlled as well as supported. The association of judges with it in the power over legislation would both double the advantage and diminish the danger. This would also the better enable the judiciary to defend that department against encroachment by the legislature. There were two objections : the first, that the judges ought not to be subject to the bias which their share in making the laws might give them when they came to expound them ; the second, that the judiciary department ought to be separate and distinct from the other departments. The weight of the first objection was less than it seemed to be; only a small part of the laws coming before a judge would be laws about which he had been consulted, and of these laws only a few would be so ambiguous as to leave room for his prepossessions ; and during the life of a judge few cases of this kind of ambiguity would probably arise. The second objection had no weight, or it applied with equal force to the executive. There would be no improper mixture of the departments.

On a vote, only three States were in favour of the amendment. Later, in Convention, a determined effort was made, upon a motion by Wilson, to overturn the decision thus reached in committee. The arguments now were somewhat different, more insistent, and more definite than before.

Wilson urged that the judges ought to be able to remonstrate against encroachment upon the people as well as upon themselves. It was not enough that they would have an opportunity, as expounders of the law, to defend constitutional rights ; laws might be unjust, unwise, and dangerous, and yet not unconstitutional. Let the judges share in the revisionary power, and they could then counteract the attempt to enact such laws. Ellsworth supported the motion. It would strengthen the executive especially in dealing with questions of the law of nations. In addition to what he had said in committee, Madison now urged that the plan would be useful to the legislature, by helping to preserve consistency, conciseness, perspicuity, and technical propriety in the laws, things much needed and much wanting. It would not give too much strength either to the executive or to the judiciary ; both of those branches would be apt to be over matched by the legislature, even with such co-operation. Experience had shown, in all the States, that the legislature was a vortex into which all power was apt to be drawn ; that was the real source of danger for America.

Gerry opposed the plan as mixing up the branches of government ; it was making statesmen of the judges, and setting them up, instead of the legislature, as guardians of the people ; it was making the expounders of the law the legislators.

Gouverneur Morris thought that the executive, with a short term, and liable to impeachment in office, would not be a very strong check upon the legislature. To the objection that those who were to expound

the laws ought not to have part in making them, he referred to England, where the judges had a great share in legislation. They were consulted in difficult and doubtful cases ; some of them were members of the legislature ; some were members of the Privy Council, where they could advise the executive. There was much more ground for helping the executive here. He feared that the help of the judiciary would not be sufficient. It had been said that the legislature was the proper guardian of liberty. The plain answer was, that experience showed that there would be real danger of bad legislation ; a strong check was therefore needed.

Martin considered the plan a dangerous innovation, and also not likely to produce the benefit expected. The judges in their official character would have a negative ; join them to the executive and they would have a double negative. And the judiciary would lose the confidence of the people if they were to be able to remonstrate against popular measures of the legislature.

Madison did not think the plan a mixing of departments. Experience had taught them to distrust paper discrimination of the departments ; it was not enough to lay down the theory in the Constitution, they ought to add defensive power to each department.

Gorham argued that, as the judges would outnumber the executive, they could take the power out of his hands and sacrifice him ; to which Wilson replied that a rule of voting might be provided which would guard against that result.

The motion failed, only three States voting for it. Later, a project to provide a Privy Council, or Council of State, for the President, with heads of bureaux, like the "cabinet" officers afterwards created by Congress, also fell through as a constitutional provision.

(9) The judiciary

The ninth of the Randolph resolutions, as sent to the committee of the whole House, declared that a national judiciary should be established (to consist of one or more supreme tribunals and of inferior tribunals), to be chosen by the national legislature ; the judges to hold office during good behaviour, and to receive compensation, in which no increase or decrease should be made so as to affect the persons actually in office at the time thereof. The jurisdiction of the inferior tribunals should be to hear and determine, in the first instance, and that of the supreme tribunal to hear and determine in last resort, all piracies and felonies on the high seas ; captures from an enemy ; cases in which foreigners, or citizens of other States applying, might be interested ; or which regarded the collection of the national revenue, impeachments of national officers, and questions involving the national peace and harmony.

The committee began the consideration of the resolution on June 4, and adopted the first clause, establishing a national judiciary, at once without debate or dissent. It also adopted at once the next clause, which now read "to consist of one supreme tribunal and of one or more inferior tribunals" (so changed from the clause, cited at the beginning of the preceding paragraph, which had itself been added as an entirely new clause to the original Randolph resolution, and which is not in those resolutions as given in the journal of the Federal Convention); the words "one or more" being struck out on the next day.

The clause following, which provided for the appointment of the judges by the national legislature, came on for consideration on the second day. Wilson opposed the plan. Experience showed that it was improper for numerous bodies to make such appointments; intrigue, partiality, and concealment were the necessary accompaniments. A chief reason for unity in the executive was, that officers might be appointed by a single, responsible person. Rutledge would not give such power to a single person; the people would think that they were leaning to monarchy. Besides, he was against any but a supreme tribunal for the nation; the State tribunals should decide questions in the first instance. Madison disliked the election of judges by the legislature or by any numerous body. Intrigue and partiality apart, many of the members of the legislature were incapable of deciding upon the necessary qualification of judges. Nor was he satisfied with giving the appointment to the executive; he inclined to give it to the Senate. He moved to strike out appointment by the legislature and leave a blank for more mature reflexion. This proposal, put at once, prevailed. Notice of a motion to reconsider followed; and another in regard to the clause relating to inferior tribunals.

The clauses concerning the term of office and compensation were then adopted without debate. The rest of the resolution was postponed for the time; and Rutledge now moved that the part of the resolution relating to inferior tribunals be struck out. The clause proposed an unnecessary encroachment on the States. Madison observed that, unless inferior tribunals were dispersed throughout the Republic, with final jurisdiction in many cases, appeals would be multiplied to an oppressive degree; and appeals would not always be a remedy, at best. Sherman favoured the motion, and dwelt upon the expense of creating Courts when the State Courts would answer the purpose.

Rutledge's motion prevailed, six States voting for it, four against, and one being divided.

Wilson and Madison now moved, in accordance with a suggestion thrown out by Dickinson, that a clause be inserted, that the national legislature be empowered (not required) to institute inferior tribunals. Discretion, they argued, ought to be given to the legislature. The motion prevailed by vote of eight States to two, with one State divided.

Later, the part of the resolution relating to the jurisdiction of the

courts was changed so as to make it read, "that the jurisdiction of the national judiciary shall extend to cases which respect the collection of the national revenue, impeachments of any national officers, and questions which involve the national peace and harmony." Appointment of the judges by the Senate rather than by the whole legislature was agreed to; and then the committee made report to the Convention in three resolutions, accordingly. The first one provided for a Supreme Court, the judges to be appointed by the Senate; the second that the national legislature might appoint inferior tribunals; the third related to jurisdiction.

The first resolution came up for consideration by the Convention on July 18. That a national judiciary should be established, to consist of one supreme tribunal, was at once agreed to without dissent. The next clause, on the appointment of the judges, was a subject of difference. Gorham preferred appointment by the Senate to appointment by the whole legislature; but even the Senate would be too large a body to make a good choice. He suggested appointment by the executive, with the advice and consent of the Senate; that mode had long been practised in his own State and had worked well. Wilson preferred appointment by the executive, with the Massachusetts plan as a second choice. He accordingly moved that the judges be appointed by the executive.

Martin favoured election by the Senate; taken from all the States, the Senate would be well informed, and able to make a fit choice. Mason made the point that the question might depend somewhat on the mode to be adopted for trying an impeachment of the executive; if the judges were to try the question, they should not be appointed by the executive. Besides, he found insuperable objections against giving the appointment to the executive; mentioning, for one, that as the seat of government must be in some one State, the executive, remaining there during his term, would form local and personal attachments which would too much influence his choice.

To the last suggestion Gorham replied that the executive would be responsible, not indeed, as he afterwards said, under any other penalty than the public censure, but still to that extent, for the discharge of his trust, and would therefore be careful to look through the States for proper men. Senators would be as likely to form local attachments, during their long terms, at the seat of government, as would the executive; and public bodies felt no personal responsibility. Rhode Island was an illustration.

Gouverneur Morris thought that it would be improper that impeachment of the executive should be tried by the judges. The judges, in such a case, would be drawn into intrigue with the legislature; and as they too would be much about the seat of government, they might be improperly consulted beforehand. Hence it was not desirable that the judges should try an impeachment of the executive. Madison suggested

that appointment might be made by the executive, with concurrence of a third of the Senate; this plan would unite responsibility in the executive with security against incautious or corrupt nominations. Sherman said that the Senate would be composed of men nearly equal in ability to the executive; together the senators would bring more wisdom and wider knowledge of men. And it would not be so easy for candidates to intrigue with them as with the executive.

There was in the question again more or less feeling in regard to the influence of the smaller States, for in the Senate they were to have an equal voice with the rest. Randolph accordingly observed that, when the appointment of the judges had been given to the Senate, equality of suffrage there had not yet been given. Still he would leave the appointment there rather than give it to the executive. He thought that the advantage of personal responsibility might be had in the Senate by requiring the names of those voting to be entered in the journal. He too thought it would be an advantage that senators would come from all the States.

The motion for appointment by the executive was lost; only Massachusetts and Pennsylvania voting for it. Gorham now moved the adoption of the Massachusetts plan — appointment by the executive with advice and consent of the Senate. The motion, taken at once, was lost; four States, Massachusetts, Pennsylvania, Maryland, and Virginia, voting for it, four against it, others now absent, or not voting.

The question then went over until July 21, when a motion, made by Madison before the postponement, was taken up, that the judges be nominated by the executive, the nomination to become appointment unless disagreed to by two-thirds, afterwards changed to a majority, of the Senate. Madison argued, first, that this would secure responsibility in the matter; secondly, that it would defeat gross partiality or mistake in the nomination; thirdly, that it was required by the principle adopted in other cases — concurrence of two authorities in one of which the people, in the other the States, should be represented. If the second branch alone should have the appointment of the judges, they might be appointed by a minority of the people though by a majority of the States. Moreover it would throw the appointment entirely into the hands of the northern States.

Ellsworth opposed and Gouverneur Morris favoured the motion. Ellsworth might be willing to allow the executive a veto upon a nomination by the Senate, subject to being overruled by two-thirds of the senators, but he preferred absolute appointment by the Senate. Increase of power in the executive would be disliked by the people. Morris said, first, that the States would often have an interest in the choice of judges, hence the Senate, where the States were to vote, should not appoint; secondly, that the executive, in the necessary intercourse with every part of the country, would or might have better information than the Senate;

thirdly, that if the executive could be trusted with command of the army, they need not fear the people in this particular.

Madison's motion was lost, only Massachusetts, Pennsylvania, and Virginia voting for it. The clause as it stood, vesting appointment in the Senate, was then adopted; the same States, and no others, voting nay. Thus it was reported by the committee of detail; and thus it passed into the draft Constitution on August 6, under the powers of the Senate. The rest of the first resolution of the committee, in regard to the term of office and compensation, was agreed to without debate, except that the words "no increase" of compensation were struck out. The resolution authorising the creation of inferior tribunals was similarly adopted. The resolution in regard to the jurisdiction of the national courts was then taken up; the clause giving to the judiciary trials of impeachment of national officers was at once struck out; and the rest made to read that the jurisdiction should extend to all cases arising under the national laws and to such as involved the national peace and harmony. These resolutions were reported accordingly and passed also into the draft Constitution.

The resolution in regard to appointing the judges went into the draft, with other matters touching the powers of the Senate, in a distinct section. This section, with other matters of difference, was on August 24 sent to a special committee of five, already referred to, with the result that that committee, on September 4, reported, as a substitute for the section, a provision that the President, by and with the advice and consent of the Senate, should appoint the judges of the Supreme Court, and all other officers of the United States not otherwise provided for — which included appointment to the inferior federal Courts. The report was adopted by the Convention without difficulty on September 7, and the provision passed accordingly into the Constitution. There was no further discussion as to the creation of inferior Courts or over jurisdiction. All that remained therefore was to expand the terms of the resolution upon the last-named subject and put them into the Constitution. The whole subject appears in sections 1 and 2 of Article III.

(10) Other Randolph resolutions

The substance of the Constitution was now determined; only certain outlying parts remained.

The tenth of the Randolph resolutions made provision (omitting details) for the admission of States "lawfully arising within the limits of the United States." The resolution was agreed to in committee of the whole House, without question, and was reported accordingly to the House, which adopted it; and it was put into the draft Constitution. As it appeared there, the new States were to be admitted on the same terms

as the original ones; but the national legislature might make stipulations with them concerning the public debt then subsisting.

When the subject was reached by the Convention, Gouverneur Morris moved that the last two sentences be struck out; he would not bind the legislature to admit western States on the terms there laid down. Madison opposed the motion, insisting that the western people neither would nor ought to submit to a union which would degrade them. The motion was rejected, only two States favouring it, Maryland and Virginia, both of which had regions to the West. Morris now moved that the following be substituted for the whole draft provision: "New States may be admitted by the legislature into the Union; but no new States shall be erected within the limits of any of the present States without the consent of the legislature of such States as well as of the general legislature." This was agreed to, after strong objection by Martin against requiring consent of the States to erecting new ones within their territory; six States voting aye to five nay.

Opposition was now raised to the provision as amended, on various grounds. One objection was that it would alarm the new regions; another was, that it was unnecessary, because the Union could not dismember a State without its consent; another was, that certain regions contested jurisdiction over them by any State, as in the case of Vermont. Amended to meet the last-named objection, the provision, with some verbal changes, was adopted. A provision was now added, against forming States by joining two or more, or by joining parts without consent of the legislatures of the States concerned, as well as of Congress. And so the whole passed into the Constitution; where it is the first half of section 3, Article IV.

The eleventh Randolph resolution declared that a republican government, and the territory of each State, except in the instance of a voluntary junction of government and territory, should be guaranteed by the United States to each State. This provision passed through several changes of form, intended only to make it more clear and definite. In its final form it declares that the United States shall guarantee to each State a republican form of government, protecting it from foreign invasion and, on request of the State legislature or of the executive if the legislature cannot be convened, from domestic violence. Thus it appears in section 4, Article IV of the Constitution.

The thirteenth of the Randolph resolutions declared that provision ought to be made for the amendment of the Articles of Union whenever it should seem necessary; and that the assent of the national legislature ought not to be required.

This resolution first came before the committee of the whole House on June 5. It was then postponed, and taken up again on June 11. Several members now thought the resolution unnecessary; but if necessary, the consent of the national legislature ought to go with it. Mason urged

the need of a provision for amendments. The present plan would doubtless be found defective; amendments would be needed; and it would be wise to provide for them in an easy, regular, and constitutional way, instead of trusting to chance. But he would not require assent of the national legislature, because that body might abuse its powers and then refuse assent.

This part of the clause was subsequently dropped, and the rest of the resolution reported to the House. The House agreed without dissent, on July 23; and the resolution went to the committee of detail, for the draft Constitution. There it appeared, on August 6, as a distinct article, in the following words: "On the application of the legislatures of two-thirds of the States in the Union, for an amendment of this Constitution, the legislature of the United States shall call a convention for that purpose."

The article came before the House on September 10, upon a motion by Gerry to reconsider. The Constitution, Gerry observed, was (by an article in the Constitution) to be paramount over the State constitutions. It followed from the article under consideration that two-thirds of the States might obtain a convention a majority of which could bind the Union to innovations subversive of the States altogether.

Hamilton favoured the motion, but with a different view. He did not object to the consequences of which Gerry had spoken; it was no greater evil to subject the people of the United States to the voice of a majority than the people of a particular State. It was desirable that there should be a ready way of supplying defects which would be likely to appear in the new system. The mode proposed by the article was not adequate. The State legislatures would not apply for alterations, except with a view to increase their own powers. The national legislature would be the first to perceive the need of amendments, and the most sensible of it, and ought to be empowered, when two-thirds of each branch concurred, to call a convention.

The motion to reconsider prevailed; and Sherman now moved to add to the article the words, "or the legislature may propose amendments to the several States for their approbation; but no amendments shall be binding until consented to by the several States." The words "three-fourths of" having been inserted, on the motion of Wilson, before "the several States," Madison moved to postpone the proposition, and to take up the following: "The legislature of the United States, whenever two-thirds of both Houses shall deem necessary, or on the application of two-thirds of the legislatures of the several States, shall propose amendments to this Constitution, which shall be valid, to all intents and purposes, as part thereof, when the same shall have been ratified by three-fourths at least of the legislatures of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the legislature of the United States."

The postponement was agreed to, and Madison's proposition adopted, after an amendment proposed by Rutledge, to add to it the words, "provided that no amendments, which may be prior to the year 1808, shall in any manner affect the" provision that Congress should not interfere with the African slave-trade before that year. The subject was completed by the addition of the words, that "no State, without its consent, should be deprived of its equality in the Senate." And the whole passed accordingly, after certain verbal changes, from the committee of detail into the Constitution, where it appears as Article V.

(11) Articles VI and VII of the Constitution

Two articles of the Constitution remain, so much a matter of course that to state the substance of them will be enough. Article VI provides for the debts of the country, already created ; that the Constitution and laws of the United States, and all treaties, shall be the supreme law of the land ; that senators and representatives in Congress, members of the State legislatures, and executive and judicial officers of the United States and of the several States, shall be bound by oath or affirmation to support the Constitution ; and that no religious test shall be required as a qualification to office under the United States. Article VII provides that ratification of the Constitution by nine States shall be sufficient to establish it between such States.

The Constitution was signed by thirty-nine out of forty-two deputies then present ; and the Convention was dissolved on September 17, after a session of nearly four months.

(12) Ratification and amendments

The proceedings were now to be reported, in accordance with the action of the Convention, to the Congress then in session ; afterwards the Constitution was to be submitted to conventions in the several States, to be composed of persons chosen by the people, whose Constitution it professed to be. All this was done ; and the question of adopting the Constitution was before the country.

Ratification was voted for without difficulty by some of the conventions ; by others, not without the most persistent opposition. Delaware, the smallest State in importance in the Union, with everything to gain, was the first to act, accepting the Constitution on December 7, 1787 ; Rhode Island, the smallest in territory, with much to lose, was the last, not voting for ratification until May 29, 1790. New Hampshire, voting on June 21, 1788, was the ninth to ratify, thus making up the

required number of ratifying States. North Carolina at first refused, by a large majority, to ratify, though she did not reject, the Constitution; but a later convention of the State accepted it on November 21, 1789. Meantime, on April 30 of the same year, Washington had been inaugurated President; the people of eleven States having at that time ratified the action of the Convention.

Opposition to the Constitution was based on various grounds. A few persons wished for monarchy; but these were out of touch with the people, and neither made nor sought to make headway. Many opposed a general union altogether, preferring a division of the States into three or more confederacies; some would have things as they were; some would have no union at all. It was commonly asserted and believed that the leaders of these classes were in general restless, ambitious men, who hoped to make gain for themselves out of disruption and saw little to hope for under a stable government. In some States, these men, taking up the watchword "liberty," which the masses passionately worshipped, spread the cry everywhere, and swept most of the common people into the ranks of discontent and opposition. Others opposed the Constitution for what they deemed its shortcomings; it had failed to promote cherished principles or projects. The absence of a Bill of Rights was one of the chief objections thus raised; the absence of a declaration in favour of freedom of religious worship was another; the absence of a provision for general trial by jury created widespread distrust; the absence of any reference to the interests of the western regions in the free navigation of the Mississippi was made a most serious cause of offence in States, such as Virginia, which had territory extending to that river.

Amendments were accordingly demanded on every side; and the thoroughgoing foes of the Constitution, in order to defeat it entirely, declared and insisted that these ought to be made before it was adopted. With a new convention everything would be thrown open again. The friends of the Constitution set forth the dangers of such a course in the strongest light. Their arguments prevailed with a sufficient number, and amendments were put off until after ratification; but they were called for in the Acts ratifying the Constitution.

It does not fall within the purpose of these pages to speak in particular of the State convention; of the great struggle in Massachusetts; of the fight made by Patrick Henry in Virginia against the Constitution at every point; of the matchless skill put forth in defence of the Constitution, first in the *Federalist* and then in the Convention of New York, by Alexander Hamilton, youngest and greatest man of them all. Enough to say, that argument prevailed over argument, and that the Constitution was everywhere ratified on its merits.

Twelve amendments to the Constitution were proposed at the first session of the new Congress, in the spring of 1789. Ten of these were

there adopted, and then sent to and ratified by three-fourths of the States. Of the two which failed, one related to the number of representatives in the lower House of Congress, the other to the compensation of senators and representatives. Of those which prevailed, the first prohibited Congress from making any law respecting an establishment of religion, or abridging the freedom of speech or of the press; the second related to the right to bear arms; the third, to quartering soldiers in private houses; the fourth, to security against general search warrants; the fifth, to trials for capital and other crimes, and to compensation for taking private property for public use; the sixth, to other matters relating to trials for crime; the seventh, to trial by jury in civil cases; the eighth, to bail; the ninth declared that the enumeration, in the Constitution, of certain rights should not be construed to deny or disparage others retained by the people; the tenth, that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were reserved to the States or to the people.

These amendments may be said to have completed the Constitution, in the sense that it was urged, and in effect admitted, that what they contained deserved a place in the instrument itself. All that was left was for the Supreme Court to make it plain that the Constitution was really "adequate to the exigencies of government and the preservation of the Union." This was done when, under the guidance of John Marshall, it was shown that in giving powers to the nation, the Constitution had, with a few well-marked exceptions, given those powers to the full, with every incident suitable to them.

A word more must close this chapter. The record of debates in the Federal Convention tells the truth, but not the whole truth. Every great undertaking has its master spirit; the master spirit of the Convention which framed the Constitution of the United States, and all that led to it, was Alexander Hamilton. There were other strong leaders, leaders who played a greater part in the long series of debates, Madison, Gouverneur Morris, Wilson; but Hamilton, present or absent—he could give counsel from New York, while his vote in the Convention was to be silenced by his colleagues Yates and Lansing — was chief among them. Hamilton had already thought out the idea of a Constitution, clear, definite, and strong to withstand domestic feuds and foreign greed. He had thought out, and he laid before the Convention, a form of instrument which he considered better than any likely to be adopted; but if he knew that the mark was too high, it was still to be the mark. A nation was to be created and established, created of jarring commonwealths and established on the highest level of right.

CHAPTER IX

THE STRUGGLE FOR COMMERCIAL INDEPENDENCE (1783—1812)

On November 3, 1783, the definitive treaty which recognised the independence of the English colonies in America was signed at Paris; and the rebellion came to a triumphant end. Though the work of revolution, the work of demolition, was thus accomplished, that of reconstruction was yet to begin. An enormous debt was to be paid off; a depreciated currency was to be restored; a national currency was to be created; public credit was to be established; commerce was to be built up; a foreign policy was to be framed suitable to the high rank which the United States was expected to take in the family of nations, and such a domestic policy was to be adopted as would unite the conflicting interests of thirteen jealous republics. Under the best of governments the task would have been a hard one. But the Continental Congress was called on to perform it under one of the worst.

The Articles of Confederation adopted by Congress in 1777, and ratified by the thirteen States on March 1, 1781, provided for a Congress of one House, to which each State must send at least two delegates, and might send any number up to seven. The delegates were chosen annually by the States, might be recalled at any time, could not serve more than three years in any period of six, and were paid by the States that sent them. Once seated in Congress, these men found themselves members of what a few years later would have been denounced as a "dark and secret conclave." The doors of their chamber were shut; the debates took place in private; and no reports of them were published. Their deliberations were controlled by a President annually elected by the Congress and looked up to as the representative of the sovereignty of the States united for common defence; but he was merely the President of Congress and never the President of the United States.

Congress had power to make war and peace, coin money, establish post-offices and post-routes, appoint all officers in the land and naval forces of the United States, except regimental officers, appoint a

Committee of the State to sit during a recess, ascertain the sums of money to be raised for the use of the United States, apply this money to public uses, borrow money, build and equip a navy, raise and equip armies, and establish rules for the disposition of prizes and captures made during war. The States were forbidden to tax the property of the United States, to send or receive embassies, to conclude treaties, or to lay duties on imports that would interfere with any stipulations in any treaty made by the United States. No State could keep a standing army or navy in time of peace, or fit out privateers or engage in war without the consent of Congress, or lay any restriction on the trade and commerce of another State not laid equally on its own citizens. In Congress each State had one vote; and the affirmative votes of nine States were necessary to enable Congress to pass any ordinance of importance. To amend the Articles of Confederation, the consent of each one of the thirteen States was required. Congress had no power to levy a tax of any kind, to regulate trade with foreign countries or between the States, or to compel obedience to its own ordinances.

The defects of this system of government were many and great. In the first place the system of representation was bad. No thought was taken of the population. The immense State of Virginia, whose territory contained the homes of 700,000 human beings, was to have no more influence in the councils of the nation than the petty State of Rhode Island, which had less than 70,000 inhabitants. But this absolute equality of the States was more apparent than real, for Congress possessed no revenue; and the burden of supporting the delegates was cast on those who sent them. As the charge was not light, a motive was at once created for preferring a representation of two to a representation of seven, or, indeed, for sending no delegates at all.

While the war was still raging and the enemy marching and countermarching within the borders of several States, a sense of fear kept up the number of delegates from each State to at least two. Indeed, some of the wealthier and more populous States often had as many as four Congress-men on the floor of the House. But the war was now over; the stimulus derived from the presence of a hostile army was withdrawn; and both representation and attendance fell off fast. Delaware and Georgia ceased to be represented. From the ratification of the treaty to the organisation of the government under the Constitution six years elapsed; and during those six years Congress, though entitled to ninety-one members, was rarely attended by so many as twenty-five. The House was repeatedly forced to adjourn day after day for want of a quorum. No occasion, however impressive or important, could produce a large attendance. Seven States, represented by twenty delegates, witnessed the resignation of Washington in 1783. Twenty-three members, sitting for eleven States, voted for the ratification of the treaty with Great Britain.

The inability of Congress to enforce its ordinances and the stipulations of its treaties brought the country at once into conflict with Great Britain. By the fourth, fifth, and sixth articles of the treaty no impediments were to be put in the way of the recovery of debts; the States were to be recommended to repeal their Confiscation Acts; and there were to be no future confiscations nor prosecutions of any sort against any person because of the part taken in the late war. But the States gave no heed whatever to these articles. The Confiscation Acts were not repealed; impediments were placed in the way of the recovery of debts; and thousands of Loyalists were driven from the country. Indeed, the ink was scarcely dry on the treaty when the Loyalists, well knowing that its provisions would be set at naught by a people embittered by a desperate struggle, began to flee the country by thousands. As garrison after garrison was withdrawn, this flight became an exodus. When Savannah was given up to the Americans, 2000 Loyalists with 5000 slaves sailed away to St Augustine and Charleston. Those who went to Charleston arrived just in time to join the 3000 who fled from that city to Jamaica, St Augustine, Halifax, and New York. During nearly seven years New York had been in British hands. It was situated in the very heart of the most loyal section of the country, near the places where the great battles of the revolution — Trenton, Princeton, Saratoga, Brandywine, Germantown, Monmouth — had been fought, and it became the haven of refuge for thousands of Loyalists. It was the last of the cities to be given up to the Americans, and as such it now became the port to which all Loyalists, eager to depart, turned their steps.

The King had offered to transport all subjects who could prove residence within the British lines for twelve months, and show that the houses assigned them were in good repair and that the rent had been duly paid to the provost marshal. His Majesty agreed further to supply them, on their embarkation, with provisions for a year, with twenty-one days' rations for the passage by sea, with clothing for men, women, and children, and with medicines, tools for farming, and arms and ammunition for defence. Such was the press to secure these benefits that the evacuation of the city, which was expected to take place in April, 1783, was delayed till late in November; and December came before the last of the transports bearing the army sailed from Staten Island. During these months 29,000 Loyalists were carried away; and many more withdrew at their own cost. In all, 60,000 are believed to have left the country for Canada, Nova Scotia, and other British possessions. Their departure was hailed by the American Whigs with unbounded delight.

As already remarked, the States declined to carry out the provisions of the treaty with respect to the refugees. When, therefore, the demand was made for the delivery of the eight frontier posts on the American side of the boundary from Lake Michigan to Lake Champlain, the

British Minister replied that they were held because of the failure of the American government to secure from the States the restitution of confiscated property of the Loyalists. The States on their part justified their refusal by the assertion that Sir Guy Carleton had carried off thousands of negroes in violation of the seventh article of the peace. No argument could move either side; and for thirteen years the posts remained under the flag of Great Britain, and the fur-trade of which they were the centre was lost to the merchants of the United States.

The inability of Congress to levy taxes, duties, imposts, and excises, deprived it of a revenue sufficient to pay its debts, and brought the Confederation to the verge of bankruptcy. The debts of the Confederation were of two kinds, those due at home and those due abroad. The domestic debt consisted of paper money, issued in great quantity by the Continental Congress, and so depreciated that it had become worthless; of loan-office certificates, interest indents, and an immense amount of paper obligations issued by various departments. Towards the payment of this domestic debt Congress proposed that States claiming land between the Great Lakes, the mountains, and the Mississippi should cede their lands west of the mountains. It was promised that the territory so obtained should be divided into States, which in time should be admitted into the Union on the same footing as the original States; and that the proceeds of all land sold to settlers should be used to pay the domestic debt of the Confederation. Six States — Massachusetts, Connecticut, Virginia, North Carolina, South Carolina, and Georgia — claimed such territory by virtue of the "sea to sea" charters granted by James I, Charles I, Charles II, and George III. New York also held Indian rights acquired by treaty.

The appeal was successful; and between 1780 and 1787 cessions were made and deeds delivered to Congress by New York, Virginia, Massachusetts, and Connecticut. In July, 1787, Congress passed an ordinance providing for the government of the territory thus ceded between the Great Lakes and the Ohio, the western boundary of Pennsylvania and the Mississippi. These lands became known as the North-west Territory, and were subsequently divided into States. The money derived from the sale of land was scrupulously applied to pay the domestic debt. North and South Carolina and Georgia also made cessions; and the lands ceded by them were used for the same good purpose.

Towards the payment of the money due to France, Spain, and Holland, Congress could obtain no provision, nor did it ever secure a revenue sufficient to meet its current expenses. The cost of government and the expenses of the war were, according to the Articles of Confederation, to be paid by assessments on the States, the quota of each to be in proportion to the value of its surveyed and occupied lands. But, when calls were made, the States could not, or would not, respond. Driven to desperation, Congress, in 1781, proposed an amendment to the

Articles giving it power to lay a duty of five per cent. *ad valorem* on all imported goods. This required the assent of each State in the Union. Two flatly refused, and the scheme failed. Not discouraged by failure the Continental Congress in 1783 again asked for an amendment to the Articles, giving it power for twenty-five years to levy certain moderate duties, to be collected by officers appointed by each State. This proposed amendment consisted of two parts, relating to the impost and to the supplementary funds. The impost was to be a specific tax on tea, coffee, sugar, cocoa, molasses, pepper, and Madeira wine, and an *ad valorem* duty on imported goods of every other sort. The revenue so raised was to be pledged to pay the interest and the principal of the foreign debt. The supplementary funds were to be raised by a special tax levied by each State and paid into the Continental treasury to meet the current expenses of government. In the course of four years, twelve States, with many misgivings and further restrictions, consented. But New York refused, and all hope of a revenue amendment was abandoned.

It mattered little, however, for by that time a third proposition to amend the Articles had been rejected; power to regulate trade with foreign nations had been refused; and the Confederation in consequence was doomed. When the Revolution ended, it seemed not unlikely that the old commercial dependence on Great Britain was over; and that in a little while Frenchmen, Spaniards, Dutchmen, Italians, and Portuguese would be contending for that lucrative trade which Great Britain had once enjoyed, and to secure the monopoly of which she had even risked a war. Pitt however was anxious to recover it for England, and, in March, 1783, framed a plan which did credit to his statesmanship. Vessels owned by citizens of the United States were to be treated in all respects on the same footing as those owned by the subjects of European powers. Articles grown or manufactured in the United States, and carried in American vessels to British ports, were to pay no more duty than would have been exacted had the goods been owned by British subjects and been brought in British ships.

But before the plan could be put in operation, Pitt went out of office. The Ministry that succeeded him held a precisely opposite view, and obtained an Act of Parliament, which they immediately put into force, giving the King in Council power to regulate trade between the United States, Great Britain, and her dependencies. In their opinion the plan proposed by Pitt was bad, because it would ruin the merchant marine of Great Britain and foster the merchant marine of the United States, and would destroy the monopoly of British colonial trade; and they pointed out that Congress, having no power to regulate trade, could not retaliate by counter-restrictions. They began therefore (July, 1783) by closing the ports of the West Indies to American ships and American fish, and imposed duties practically prohibitive on the importation of American goods to British ports except in British vessels.

Congress, as was foreseen, could not retaliate; the States, jealous of each other, would not impose restrictions; and in a few months the wharves of New York and Boston, Charleston and Savannah, were crowded with British vessels, and the native merchants half ruined by British factors who sold for cash shiploads of British goods. The merchants declared that ruin stared them in the face. The demand (they said) for tammies, callimancoes, durants, brocades, damasks, Irish linens, had never been so great; yet from this lucrative trade they were excluded. If they loaded their vessels with rice, indigo, flour, whale-oil, lumber, pitch, tar, or tobacco, and entered the port of London or Liverpool, an enormous duty was laid on them because they were not Englishmen. This duty (they argued) was a clear loss. If they attempted to recover it in England by adding it to the price of the goods they imported, they were undersold by Englishmen who had brought in the same kind of goods free of duty. If they attempted to recover it in America by adding it to the price of the goods they brought home, they were again undersold by British factors who had no such duty to pay in America. If this went on, the trade and commerce of the United States would soon be in the hands of Englishmen.

Of this danger Congress was fully aware, and early in 1784 appointed a Grand Committee to report what should be done. The Committee reported that, in their view, the anticipations of the merchants were correct. They therefore recommended that Congress should urge the State legislatures to make over to it, for fifteen years, the management of commercial affairs, and give it power to forbid merchandise to enter American ports unless brought in ships owned or sailed by American citizens, or by the subjects of such Powers as should, from time to time, make treaties of commerce with the United States. As this power to regulate trade could only be given by amending the Articles of Confederation, and the Articles could only be amended with the consent of each one of the thirteen States, it was anticipated that a considerable time would elapse before it could be obtained. So heedless were the States that eighteen months later only Maryland and New Hampshire had acted on the recommendation.

This delay is to be ascribed partly to apathy, but partly also to the fact that the States were attempting to regulate trade for themselves. Early in 1785, while the legislature of New York was in session, the merchants of New York City addressed it in a long memorial, and solemnly recommended it to give Congress power over trade. The legislature, in response, imposed a double duty on goods imported in British vessels. A month later the Boston merchants met, addressed their own legislature, as well as Congress, appointed a committee to correspond with merchants in other States, and pledged themselves not to buy any goods from the British factors then in Boston. When the General Court of Massachusetts assembled, the Governor in his turn made

a strong appeal. After some debate, the General Court gave it as their opinion that the powers of Congress were not adequate to the great purposes they were designed to effect, and passed a resolution that it would be expedient to summon a convention of delegates from every State for the sole purpose of revising the Articles of Confederation. They also instructed the Governor to write to the executives of the other twelve States urging them to recommend the passage of laws likely to hinder the monopolising policy of Great Britain, passed a Navigation Act forbidding the export of American goods from Massachusetts in British bottoms, and laid a tonnage duty on foreign ships. New Hampshire and Rhode Island passed similar Acts.

Imitating the merchants of New York and Boston, the people of Philadelphia met, resolved that the oppression under which commerce languished could only be relieved by granting Congress full power to regulate trade, appointed a committee of correspondence, and called on the legislature of Pennsylvania to shut out foreign goods by high duties. This the legislature did ; and the agitation in behalf of the amendment was again taken up by New York. Encouraged by the action of Boston and Philadelphia, and dissatisfied with the action of their own legislature, the Chamber of Commerce of New York, in the autumn of 1785, made a new appeal to the legislature, the States, and the people.

The movement now spread to Virginia. The Potomac river had always been regarded as the boundary between Virginia and Maryland. The charter of Lord Baltimore had so defined it, but had made the jurisdiction of the colonial governors extend across the river to the southern shore. By the constitution of 1776, Virginia had recognised this charter, and ceded to Maryland all the territory claimed by it, with all rights demanded, except the free use and navigation of the Potomac and Pokomoke rivers from source to mouth. The language conveying the grant was broad and general, and might, without much sophistry, be construed into a complete relinquishing by Virginia of all jurisdiction over both rivers. Yet the matter seems to have escaped notice till after the peace, when Madison, hearing of the many flagrant evasions of Virginian laws by the captains of foreign vessels loading on the Virginia side of the river, suggested a joint commission from Maryland and Virginia to define the powers of each on the Potomac. This commission was appointed, and in a supplementary report set forth how, in the course of their labours, they had been deeply impressed by the want of legislation on the currency, on duties, and on commercial matters in general, and proposed that two commissioners should be appointed annually to report upon the details of a commercial system for the following year. The legislature of Maryland was the first to act on the report. In doing so, it went beyond the suggestion of the commission, and proposed that Delaware and Pennsylvania should be invited to join Virginia and Maryland in a common system of

commercial policy. Virginia went still further, and issued a call for a Convention of delegates from all the States to meet at Annapolis in September, 1786, and there agree on such a plan as, when adopted by the States, would enable Congress fully to protect the trade of the United States.

But the Navigation Acts of the States and the good resolutions of the people came too late. The mischief was done. During the few months which had elapsed since the return of peace, the importation of British goods had been enormous. In 1784 the value of imported goods was reckoned at £1,700,000. Exports to Great Britain in the same time were valued at only £700,000. The difference had to be paid in cash, for since the refusal of the States to allow the recovery of British debts in court, no American merchant could get credit in England. As a consequence, every sort of specie money was secured and sent out of the country. The country was quickly stripped of gold and silver; the need of a circulating medium began to be seriously felt; and the old cry went up for paper money. With a keen recollection of the dark days of 1779, when forty dollars had been paid for a hat, when fifty pounds in paper would not buy fifty pounds of sugar, and when a hundred dollars in bills of credit were asked for a barrel of flour, the multitude were not deterred from demanding a new issue of paper and a new Act to make it legal tender. Their demands were heard; and, before the summer of 1786 was over, the presses in Pennsylvania, in North and South Carolina, in Georgia, in New Jersey, in New York, in Rhode Island, were hard at work printing paper money. The history of that paper money was the history of the old continental issues retold. First came the bills; then came depreciation; and finally tender-laws, force-acts, and ruin.

Nowhere was this so fully illustrated as in Rhode Island. There, so early as 1784, the supporters of paper money had attained to formidable numbers. In the spring of 1786 they carried the elections, secured the legislature, remitted the land-tax, suspended the excise, and issued £100,000 of paper money. The law declared that the bills should be loaned according to the apportionment of the late tax; that they should be paid into the treasury at the end of fourteen years; and that every farmer or merchant who came to borrow a few hundred pounds must pledge real estate for double the sum demanded. Many persons made haste to avail themselves of their good fortune, and mortgaged fields strewn thick with stones for sums such as could not have been obtained for the richest pastures. They had, however, no sooner obtained the money and sought to make a first payment at the butcher's or the baker's, than they found that a heavy discount was taken from the face-value. This, in the opinion of the holders of the paper, was an outrage. They maintained that, if it were lawful for the State to issue hard money, it was also lawful to issue paper money; and that every man who did

not take it willingly should be compelled to take it unwillingly. A Forcing Act was therefore passed, imposing a fine of £100 and the loss of civic rights on anyone refusing to take the bills in payment of a debt or discouraging their circulation. But the law only made matters worse than before. The merchants denounced it as iniquitous, and refused, almost to a man, to make any sales. The traders closed their shops, or disposed of their stock by barter. Business was at a standstill, and money almost ceased to circulate.

Eventually the question of the constitutionality of the Force Act came before the courts. One John Trevett had purchased from a Newport butcher named Weeden a few pounds of beef, and tendered in payment some of the new money. Weeden refused to take paper shillings at their *par* value, whereupon Trevett lodged a complaint against him. When the case came on, each side was represented by able counsel, for the contest was in truth not between Trevett and Weeden but between the farmers and the merchants — between those who, having mortgaged their lands for the paper issue, now struggled hard to keep it at *par*, and those who, recalling the disastrous times of 1779, did their best to keep the paper out of their own pockets. The court decided in favour of the latter, refused to execute the law, and declared the information not cognisable before them.

In Massachusetts the advocates of paper money went to the verge of treason. There, as elsewhere, they formed the debtor part of the community; and there, as elsewhere, they were early infected by the rage for a paper medium. Taxes were high; trade and commerce languished; money was scarce; and, as their creditors were pressing for settlements, they determined that the State should provide the means. One bill which they introduced into the Assembly made real and personal estate a legal tender; defeated in this, they brought in a paper money bill providing for a currency which should never be redeemed, but should depreciate at certain fixed rates till it had no value left, and so be extinguished. Again defeated, they resolved on violence, and began to stop the sittings of the courts in order that property should not be taken by distress. For a while the Governor submitted in patience. But, when the malcontents began to gather in force and threatened to march to Cambridge and stop the sitting of the Court of Common Pleas, warrants were issued, and two of the leaders were lodged in Boston gaol. This served but to make matters worse. Under the command of Daniel Shays, the "Regulators," as they called themselves, mustered in such numbers at Worcester that the Governor put Boston in a state of defence, raised an army of 4000 men, and sent it into the field under the command of General Lincoln. After fighting pitched battles at Springfield and Pelham and many skirmishes elsewhere, the malcontents were at last driven over the line into New Hampshire and Vermont.

In the midst of this widespread disorder and distress the Trade

Convention met at Annapolis. The attendance was small. No delegates came from Georgia, South Carolina, or any State to the east of the Hudson. Three elections had been held in Massachusetts. Twice the delegates refused to serve. On the third occasion those chosen accepted and set out, but, like the delegates from Rhode Island, were met on the way by news that the Convention had broken up. The session was a short one, for the few who came had such limited powers that they contented themselves with lamenting the wretched state of national affairs, and urging that Congress should call a new Convention, with enlarged powers, to meet at Philadelphia in May, 1787. This was eventually done; and the Convention so gathered produced the Constitution of the United States.

That noble instrument, under which the United States has attained to such astonishing prosperity, is based on no mere theory of government framed by speculative politicians. It was drawn by practical men to meet a pressing need, and bears throughout the marks of experience gained during the dark days which followed the war for independence. Congress now had sole power to coin money and to determine its value, and to regulate trade with foreign countries and between the States. It was empowered to levy taxes, duties, imposts, and excises; to pay the debts of the United States; and to provide for the common defence and general welfare. No State, on the other hand, could issue bills of credit, or coin money, or make anything else than gold or silver a legal tender for debt.

The Convention, having framed the Constitution, sent it to Congress to be transmitted to the States for consideration, and requested that when nine States had ratified it, Congress should take the necessary steps to put the new government into operation. By July, 1788, eleven States had adopted the Constitution; and Congress then made preparations for its establishment. It was ordered that New York City should be the seat of government; that on the first Wednesday in January, 1789, the States should choose presidential electors; that the electors should meet and vote in their respective States on the first Wednesday in February; and that the Senate and the House should meet and count the electoral vote at New York City on the first Wednesday in March, 1789.

Towards sunset on March 3 a salute was fired from the battery as a farewell to the old Confederation. At daylight, at noon, and at six in the evening on Wednesday the 4th guns were again fired, and all the church bells rung, as a hearty welcome to the new Constitution. But no other celebration was attempted; and nothing further was done to mark the fact that the weak and crumbling Confederation had given place to a strong and vigorous government. No President was inaugurated; no Senate, no House of Representatives was ready to begin business. Indeed, the new Congress seemed to have inherited all the

sloth, all the torpor of the old. The Senate was to consist of twenty-two members and the House of fifty-nine. Yet, while the cannon were firing and the bells ringing, there were but eight Senators and thirteen Representatives in the city. The sixth of April arrived before both Houses had a quorum. Then the electoral votes were counted; and Washington and Adams were declared respectively President and Vice-president. On April 22 Adams was inaugurated; and a week later Washington, standing on the balcony of the Federal Hall, took the oath of office in the presence of a great crowd of his fellow-citizens.

The task which now lay before him was unique. No such duty had ever before been laid on any man. "My station," said he to the crowd that saw him take the oath of office for the first time, "is new. I walk on untrodden ground." He did indeed walk on untrodden ground. When the Constitution became the supreme law of the land, scarce a vestige of government existed. The Continental Congress, a body whose name should never be mentioned without a grateful recollection of its noble work, had months before expired ignominiously for want of a quorum. Save a Secretary of Foreign Affairs with scarce a letter to write, a Secretary of War with an army of eighty men, a Board of Treasury in whose coffers there was not a shilling, not a piece of the machinery of the defunct and discarded system remained in operation. About the President on every side lay the wreckage of a demolished government, and in his hand was a brand-new Constitution investing him with untried powers of the largest kind. A man who in our time comes to the presidency finds his way made straight by customs, traditions, precedents, and established forms, and administers government under a Constitution simplified by the interpretations of a hundred years. To Washington these helps were all denied. On him rested the solemn responsibility of so starting the young Republic on its way that its future career should not fail to be honourable to itself and beneficial to mankind.

The United States was at that time a small country. On the west it just touched the Mississippi river. It nowhere touched the Gulf of Mexico, and it contained but half as many human beings as to-day dwell within the borders of Pennsylvania. Its foreign relations were strained and in disorder. There was as yet no commercial treaty with Great Britain, and none of any sort with Spain, Portugal, or Italy, or with any commercial nation of Europe, save France, Holland, and Prussia. In spite of the Treaty of Independence, British troops still held the frontier forts from Lake Champlain to Michigan. In defiance of right, Spain held part of what is now Alabama and Mississippi, and displayed her flag on the site of what is now Memphis.

The finances were in confusion. On the books of the treasury was a debt due to France, Spain, and Holland, the principal of which had begun to fall due and the interest on which had often been unpaid. To the people the State owed a still greater debt, the paper evidence of

which seemed scarcely worth preserving. No national currency existed; but in its place were thirteen kinds of paper issued by the States, and reduced to token-money by the provision in the Constitution that no State should issue bills of credit or make anything else than gold and silver legal tender for debt. Trade and commerce were all but ruined. American ships and sailors were excluded from British ports in the West Indies; American products were discriminated against abroad; and American merchants were undersold at home by foreign manufacturers. Everywhere was chaos; and out of this chaos must come order and prosperity, or the new Constitution would go down in ruin.

To the duty which thus lay before it, Congress now set itself in serious earnest; and, before two years had passed, the machinery of government was well under way. Departments of State, of War, and of the Treasury were established; the Supreme, Circuit, and District Courts were created; taxes were levied; a census was taken; and twelve amendments to the Constitution (of which ten were adopted) were submitted to the States. A Coinage Act was passed, and a mint set up; the District of Columbia was defined, and the city of Washington planned; the temporary seat of government was removed from New York to Philadelphia, there to remain until 1800; the debts contracted by the Continental Congress and by the separate States in the long struggle for independence were funded; a national bank was chartered; and provision was made for the naturalisation of foreigners, the granting of patents and copyrights, the building of lighthouses, the regulation of trade and intercourse with the Indians, and for continuing the post-office as already established.

Most of this legislation met with little opposition; but the funding of the Continental debt and the assumption and funding of the debts of the States, the chartering of the Bank of the United States, and the Excise Act, aroused bitter resistance in Congress and split the people into two great political parties. Those who supported the Administration and looked up to Washington and Adams, Alexander Hamilton and John Jay as leaders, became known as the Federalist party. Those who opposed the policy of the Administration and were led by Jefferson, Madison, and Monroe, took the name of Federal Republicans. The Federalists were strongest in the commercial States, and the Republicans in the farming and planting regions.

The Republicans complained of the high salaries paid to public officers; believed that the national debt was unnecessarily large because the depreciated Continental paper had been funded at its face-value and not at its market price, and because the debts of the States had been assumed by the Federal government; denied that Congress had power to charter the Bank; insisted that the Constitution should be construed strictly; and saw in the attempt to give the President a title, and in his levees and his refusal to mingle with the people, in the secret sessions of

the Senate, and in the gowns worn by the judges of the Supreme Court, unmistakeable signs of a lingering fondness for aristocracy and monarchy. The Federalists, on the other hand, believed in a broad and liberal construction of the Constitution ; insisted that every bill of credit, every loan office certificate, every promise to pay issued by authority of the Continental Congress, should be redeemed at its face-value ; held that the debts which the States had incurred in the struggle for independence were part of the price paid for liberty and had very properly been made part of the national debt; scoffed at the charge of aristocratic and monarchical tendencies ; and declared that the tariff and the excise were no higher than was necessary to support such a government as the people, the States, and foreign Powers would respect.

Scarcely were the people thus definitely parted by domestic issues into Federalists and Republicans, when the course of events compelled them to take sides in the great war which began in Europe in April, 1792, and forced them to enter on a struggle, of two and twenty years' duration, for commercial independence.

From the day when the news of the fall of the Bastille reached America, the progress of the French Revolution had been watched with the deepest interest by the people of the United States. The treaty of alliance which bound the two countries, the grateful recollection of independence recognised, of money lent, of ships and troops furnished by France, and the belief that the uprising of the French people was largely due to the example set by America, aroused all over the United States an interest in the French Revolution and a sympathy with it which could not be felt elsewhere. When therefore, in December, 1792, it became known that the French were slowly making headway against the Allies, the delight of Federalists and Republicans alike found expression in bell-ringings, bonfires, cannonades, and illuminations. Civic feasts were held, "liberty poles" adorned with the red cap erected, democratic societies formed, and tricolour flags hung up in inns and taverns. Men ceased to be Americans and became all but Frenchmen. They doffed small clothes and put on pantaloons, cut their hair in the "Brutus crop," dropped such old-fashioned terms as "Sir" and "Mr," and called each other "Citizen." They erased from the streets of cities and towns such names as King, Queen, and Prince ; and were in transports of joy when they heard (in April, 1793) that war had broken out between France and Great Britain, and that the first minister plenipotentiary to the United States from the Republic of France was on his way across the ocean.

The mission of that functionary, Edmond Genest, was a matter of serious concern to Washington. In the early days of the revolutionary war the King of France had made a treaty of alliance with the little league of States, then struggling desperately for independence. Louis XVI guaranteed the sovereignty and independence of the United

States for ever; Congress, in the name of the States, pledged itself to defend for ever the French possessions in America. France had made good her promise and fought in behalf of America till liberty, sovereignty, and independence were obtained. Might she not now call on the States to make good their promise and defend her West Indian possessions? And, if so, would the United States accede, and once more take up arms against Great Britain? The answer of every sympathiser with France was, Yes! France, they said, is our old friend: England is our old enemy. We are bound to France by gratitude, by a treaty of alliance, by the sympathy which one republic cannot but feel for a sister republic struggling for life. No tie, no treaty of any sort, binds us to Great Britain. To this it was replied that the French alliance was defensive, not offensive; that it was contracted with the King, not with the government which had cut off his head; and that to go to war while Spain was in full possession of the Mississippi, with the Indians on the war-path, and British garrisons in the forts along the Canadian frontier, would be the height of folly.

On hearing that war between England and France had begun, Washington, who had just entered on his second term of office, hastened to Philadelphia, and summoned his Secretaries for advice. Is it wise, he asked them, to assemble Congress? Shall neutrality be declared? Are the treaties made with France when under a King still in force now that she is ruled by a revolutionary government? Does the treaty of alliance apply to an offensive as well as to a defensive war? Is France engaged in an offensive war? Shall the plenipotentiary of the French Republic be received? It was the opinion of the Cabinet that Congress need not be called together; that, although the country was under no treaty obligations to show Great Britain any consideration, it was politic to remain neutral; that, as France had declared war against England, she was engaged in offensive war, and could claim no aid under the treaty; and that it would be well to receive the French minister.

Thus advised, Washington issued a declaration of neutrality on April 22, 1793. Had he proclaimed a monarchy he could not have been more savagely reviled. He was accused of base ingratitude to France; he was a tool of Great Britain; his anti-republican tendency was now quite plain, for he had placed on the same footing a republic that the States were bound to aid, and a monarchy that held their forts, insulted their flag, and would not so much as make a treaty of commerce with them.

To proclaim neutrality was easy. To enforce it was hard, and was made harder by the conduct of Great Britain. France, having declared war, opened her ports in the West Indies to neutral trade. This trade Great Britain declared illegal, as giving to neutrals in time of war a trade they did not enjoy in time of peace, which was contrary to the rule of 1756. In March, 1793, she made a treaty with Prussia by

which the two contracting parties agreed to stop the trade in question. In May France retaliated, and ordered the seizure of neutral ships loaded with provisions for an enemy's ports. Gouverneur Morris, then American minister at Paris, protested so vigorously that in the space of eight weeks the decree was twice repealed and twice again put in force. In June British cruisers were commanded to bring into port every neutral ship found carrying flour, corn, or meal, to any port of France. Not content with this the British government issued, in November, 1793, an Order in Council, aimed at the trade of neutrals with the French colonies. Commanders of British cruisers and privateers were bidden to send in for condemnation neutral vessels carrying provisions to a French colony, or bringing away anything that a French colony produced. They also began to search American ships for British seamen. France then laid an embargo on neutral ships in the port of Bordeaux ; and at the close of the year 1793 one hundred and three American ships were in French hands. Hundreds more were in the ports of the French Antilles ; and these, as they came forth on their homeward voyage, were seized by English cruisers and hurried to the nearest Vice-admiralty Court for judgment. For months the maritime news of the *Advertisers* and *Gazettes* consisted chiefly of accounts of ships condemned at Halifax, at New Providence, at Nassau, at St Kitt's. A great cry went up from the ruined merchants of Portsmouth, Boston, New York, Philadelphia, and Charleston ; and Congress at its next session was appealed to for help. The response was speedy. Resolutions for discriminating tonnage duties were introduced ; appropriations were voted for building arsenals, purchasing ammunition, erecting coast fortifications, and building six frigates ; an embargo for thirty days was imposed ; a resolution to sequester debts due to British merchants was offered ; and a bill to declare non-intercourse with Great Britain, after passing the House, was defeated in the Senate by the casting-vote of the Vice-president.

Alarmed at the rising spirit of hostility towards Great Britain, Washington determined to make a great effort for peace, and, with the consent of the Senate, sent Chief Justice John Jay to London with the offer of a treaty of amity and commerce. In the midst of this excitement Great Britain recalled her Order of November, 1793, and issued a new one (January 8, 1794). Naval officers and masters of privateers were instructed to send in for judgment such neutral vessels, and such only, as were found trading directly between any port in the French West Indies and any port in Europe. With this prohibition on direct trade she rested content ; and during four years the order remained in force.

The chief grievances against Great Britain were now eight in number. The delimitation of the North-east boundary was still in dispute. The forts on the Canadian borders were still in British hands. No compensation had been made for the negroes carried off at the evacuation of

New York City in 1783. She had discriminated against American commerce; imprisoned American sailors; declared paper blockades; changed the meaning of contraband of war; and enforced the rule of 1756. To obtain redress for all these grievances was impossible. But Jay undoubtedly did the best that could be done, and in November, 1794, signed a treaty of amity and commerce, which the President and the Senate approved in July, 1795. The frontier forts were to be surrendered. The debts due to British merchants at the opening of the Revolution were to be paid by the United States. The damages suffered by American merchants under the Order in Council of November, 1793, were to be paid by Great Britain. The British West Indies were opened to American ships of not more than seventy tons' burden. A Commission was to settle the Maine boundary. But nothing was said about search, or impressment, or paper blockades, or indemnity for the negroes whom Carleton took away in 1783.

Disappointed in their hope that negotiations would fail and war with England follow, the Republicans attacked the treaty with fury. Jay was burned in effigy, guillotined in effigy, hanged in effigy, from Maine to Georgia. The press teemed with pamphlets, coarse, spiteful, and serious; and for months the chief newspapers gave up whole columns of each issue to attacking or defending the work of Jay. The democratic societies, the people at public meetings, the State legislatures, denounced or praised the treaty. It is not surprising that it was bitterly resented in France. The time was drawing near for the election of a successor to President Washington; and, that great man having declined (September, 1796) to serve a third term, the Federalists nominated John Adams, and the Republicans Thomas Jefferson. The canvass was hotly contested; and in the midst of it Adet, the French minister, not deterred by the fate of his predecessor, Genest, who had been dismissed for intriguing against the government, openly espoused the cause of the Republicans. He even went so far as to write to the Secretary of State, and to make public through the press, a letter in which he stated the grievances of France and threatened war. If the policy of the government were altered — that is, if Jefferson were elected and the Republicans put in power — the complaints of France, he said, could easily be satisfied; but if the policy of the government were maintained, America might expect the worst.

Adams was elected President, and the French government retaliated. Monroe, whose lack of spirit in explaining and defending the treaty with Great Britain had offended Washington, had been recalled from Paris in 1796, and Charles C. Pinckney sent to France in his stead. But the Directory now refused to receive Pinckney, and expelled him from France. When news of this act reached the United States, Adams, who had just been inaugurated, called a special session of Congress to put the country in a state of defence. War, however, was to be

a last resort; and, as a means of preserving peace, two envoys, John Marshall and Elbridge Gerry, were appointed, along with Pinckney, to treat with the Directory. Their powers were ample and their instructions clear. They were bidden to consult, negotiate, and treat on all claims and causes of differences between the United States and France. They might even sign a new treaty or convention; and, in that event, five leading principles were to be their guide: the United States would tolerate no blame or censure for her conduct, and therefore, would bestow none on France; no aid was to be promised during the present war; no engagements were to be made inconsistent with prior treaties; no restraint on commerce was to be admitted; and no stipulations might be accepted under which French tribunals could be set up within the United States.

With such powers and instructions the envoys entered Paris on October 4, 1797. Talleyrand was then Minister of Foreign Affairs under the Directory. By him they should have been received and formally recognised as Ministers Extraordinary from the United States. But, in place of meeting Talleyrand, they were visited by three political agents of the Directory, who told them plainly that, if they wished to make a treaty, they must do three things; they must pay each of the five Directors $50,000, apologise for certain remarks in Adams' speech to Congress, and, by way of tribute to France, buy from her an extorted Dutch loan, the market value of which was a million of dollars. The apology, the bribe, and the tribute money were stoutly refused. But Talleyrand stood firm, and the envoys returned to the United States. In their despatches the names of the three French agents, Bellamy, Hottinguer, and Hauteval, were given, but in the translation laid before Congress they were suppressed, and the letters X, Y, and Z substituted. These papers have ever since been known as "the XYZ despatches."

Their publication, in April, 1798, moved the people as they had never been moved since the days of Lexington and Bunker Hill. "Millions for defence, but not a cent for tribute," became the Federal cry, and was taken up and repeated over all the land by men who, much as they loved France, were still determined that her demands should never be forced upon the nation by threats of war. Every hour the war fever grew hotter, till the whole people seemed ready to rise in arms. In the inland towns volunteer companies were formed, and addresses, inflamed with Federal zeal, were prepared. Along the Atlantic border no town felt too poor to start a subscription to build and lend to the government an armed ship. At Boston the subscription ran up to $125,000 in a few weeks, and the keels of two frigates were speedily laid. At New York $30,000 were raised in one hour. Then came the days of the "black cockade," of the "addresser," of the "associated youth," and of the "quasi-war" with France. The old treaties of 1778

were suspended; merchant ships were authorised to repel French insolence with force; privateers were commissioned; and what the Federalists called "our infant navy" was created.

Opposition to the Administration now disappeared; and the Federalists, in complete control of both House and Senate, proceeded to enact four memorable laws, a new Naturalisation Act, two Alien Acts, and a sedition law. The first prolonged the time of residence in the United States, before citizenship could be acquired, from five to fourteen years. One Alien Act authorised the President, for two years to come, to send out of the country such aliens as he should deem dangerous to the peace and safety of the United States: another empowered him in time of war to seize or remove all subjects or citizens of the hostile government (June, 1798). The Sedition Act prescribed fines and imprisonments for any who, by conspiring with others, sought to hinder the execution of any law of the United States, or by writing, printing, and publishing false, scandalous, and malicious writings against the Government, either House of Congress, or the President, sought to bring any of them into contempt and disrepute. A provisional army was organised, with Washington in command as Lieutenant-General. The Navy Department was created, and the first Secretary of the Navy appointed; and three little squadrons were sent forth (July, 1798) to wage war against the French in the West Indies, where several French ships, including a frigate, were captured.

Brought to its senses by this spirited action, the Directory intimated to the American Minister at the Hague that any minister sent by the United States to France would be received "with the respect due to the representative of a free and independent nation." The presidential election was near at hand; and Adams, to the delight of the Republicans and the deep disgust of the Federalists, once more despatched a commission. This time they were well treated; but they found that the Directory had been swept away (November, 1799) and that Napoleon as First Consul was master of France. The envoys had been instructed to claim compensation for spoliation committed by France on American commerce, and to secure the abrogation of the guarantee imposed on America by the treaty of alliance of 1778. Napoleon would grant either, but not both. The price of damages was the retention of the treaty of alliance; the price of the abrogation of the treaty was the abandonment of the claim for indemnity. Unable to agree to this, the envoys at last signed a convention which secured better terms for neutral trade, but in its second article declared that, "not being able to agree at present respecting the treaty of alliance and the treaty of amity and commerce, nor upon the mutual indemnities due or claimed, the parties will negotiate further on these subjects at a convenient time." That time never came. When the Senate ratified the convention, it struck out this second article, and by so doing expunged all provision for future

negotiation, laid aside the question of indemnity, and turned what was intended to be a temporary adjustment into a permanent adjustment of all past difficulties. That this might not be misunderstood, Napoleon, when he in turn ratified the convention, wrote across it these words — "Provided, That by this omission (*retranchement*) the two States renounce the respective pretensions which are the objects of that article." The claims thus renounced by the United States were the claims of private citizens for injuries done under the decrees issued by France between 1793 and 1800, and constitute what have been subsequently known as the French Spoliation Claims.

Thus were the commercial troubles with France arranged. But those with England went on continuously. The Order in Council of 1794, forbidding direct trade between France and her colonies, had been amplified in 1798 by another forbidding direct trade between France, Spain, and Holland, and their colonies. The restriction, however, fell lightly on neutrals, and they were soon evading it in two ways. Some would load at colonial ports and, under pretence of sailing to their own country, make direct voyages from the colony to the parent State. This was the favourite trick of the neutrals of northern Europe who, as they passed the coast of France or Holland, would run in. To stop this, Great Britain in 1799 declared the whole coast of Holland under blockade. Following this way of trading, the American merchant would send his ship to a port in the French or Spanish West Indies, take in a cargo suitable for the European market, sail to Charleston, and enter the cargo for import. This done, the captain would immediately export the goods, draw back the duties, and, with a clearance from an American port, set sail for a port in France or Spain. The voyage was not direct; it had been broken at Charleston, and did not fall under the Order in Council. But a test case soon arose and was carried on appeal to the High Court of Admiralty in England, where the rule was laid down that such a voyage was not broken, because the cargo had not been put ashore. This decision necessitated a further change of plan. The American captain now took his vessel to some ship-building town in New England, landed the cargo, and stored it in a warehouse, while his ship was cleaned and repaired. This done, he reloaded the goods, and with an American clearance sailed for an Old-World port. Again a test case was brought before the High Court of Admiralty, which now ruled that the goods had been truly imported into the United States, and that the voyage had been "broken," thus legalising this method of trade.

To trouble with France and Great Britain had meantime been added trouble with Spain. During twelve years after the recognition of the independence of the United States by Great Britain, Spain ignored the southern boundary, occupied the greater part of what is now Alabama and Mississippi, and closed the Mississippi river to American trade. In 1795 the war in Europe forced her to give way. A treaty was made, in

which Spain acknowledged the parallel of 31° north latitude as the southern boundary of the United States, agreed to withdraw her troops from American territory, and made New Orleans a port of deposit for American traders. But when, in 1797, commissioners were sent to take possession of the Spanish forts and posts in the disputed territory, the quarrel with France was at its height ; and Spain, hoping in the event of war to be able to acquire the converted region for ever, put forward one excuse after another, and retained some of the forts down to 1799. To France the Spanish treaty of 1795 was as displeasing as that with Great Britain. The news that Spain had adjusted her long dispute with the United States and was about to withdraw south of the parallel of 31° alarmed Talleyrand. "The Court of Madrid," he wrote in 1798 to the new minister whom he was sending thither, "ever blind to its own interests and never docile to the lessons of experience, has again quite recently adopted a measure which cannot fail to produce the worst effects upon its political existence and on the preservation of its colonies. The United States has been put in possession of the forts situated along the Mississippi, which the Spaniards had occupied as posts essential to arrest the progress of the Americans in those countries." In his opinion the Americans should be shut up "within the limits which nature seems to have traced out for them." But, as Spain was in no condition to accomplish this herself, she should cede to France East and West Florida, which bounded the United States on the south, and the vast wilderness called Louisiana (ceded by France to Spain in 1763), which bounded it on the west. The scheme for the time being failed ; and a year later Talleyrand fell from power. But, with the rise of Napoleon, Talleyrand was recalled to office ; and Spain was again asked to give up Louisiana. This time the demand was obeyed ; and on October 1, 1800, a treaty retroceding Louisiana to France was secretly signed at San Ildefonso.

In America at that time the canvass for a presidential election was well under way. The Federalists had selected John Adams and Charles C. Pinckney as their candidates for President and Vice-president, and the Republicans Thomas Jefferson and Aaron Burr. Already the triumph of the Republicans seemed assured. The steady growth of the party for years past, the unwise enactment of the Alien and Sedition Acts, the new taxes necessitated by the French war, the widespread belief that the Federalists were a British party bent on establishing a monarchy, had done their work ; and, when the electoral votes were counted, it appeared that Adams and Pinckney were defeated. But neither Jefferson nor Burr was elected. As the Constitution then read, each elector wrote on his ballot the names of two men. When the ballots were opened and counted in the presence of Congress, the candidate who had received the highest number of electoral votes, provided this were a majority of the total cast, was to be declared President ; and he who received the next highest number, even though less than a majority,

was to be Vice-president. In 1800 every elector who voted for Jefferson voted also for Burr. Each candidate therefore received the same number of votes; and, though this number was the highest and a majority of all the votes cast, neither was elected. The duty of choosing between Jefferson and Burr now passed to the House of Representatives, which, after a long and bitter struggle, decided in favour of Jefferson.

By an Act of Congress, passed in 1790, Philadelphia was made the seat of government till 1800, after which date the city of Washington was to take its place. In obedience to the law, all departments of government were removed to the banks of the Potomac during the summer of 1800; and there, in the half-finished Capitol, Congress assembled for the session of 1800–1. It was at Washington therefore that Jefferson was inaugurated on March 4, 1801. There is still current among his countrymen an idle story that on Inauguration Day Jefferson, mounted on a white horse, rode alone to the Capitol, hitched his horse to a fence, entered the building unattended, and took the oath of office. The story is pure fiction. He walked to the Capitol attended by militia and a great crowd of admirers and partisans, drawn to Washington by the excitement of the contested election, was greeted at the Capitol by a salute of guns, and took the oath with all the usual ceremony.

Scarcely was he settled in office, when he heard rumours of the secret treaty of San Ildefonso and the retrocession of Louisiana to France. A copy of the treaty which he received towards the close of 1801 turned the rumours into a certainty; and the action of Don Juan Ventura Morales, the Spanish Intendant at New Orleans, roused the whole Mississippi valley, and brought affairs to a crisis. By the treaty of 1795 the King of Spain was bound to permit the citizens of the United States, for three years to come, "to deposit their merchandise and effects in the port of New Orleans, and to export them thence without paying any other duty than a fair price for the hire of stores." Should his Majesty at the end of three years see fit to close New Orleans to American traders, he was "to assign to them on another part of the banks of the Mississippi an equivalent establishment." In flat violation of this stipulation, Morales, in October, 1802, forbade Americans to deposit their merchandise at New Orleans, but did not assign any "equivalent establishment." As the news passed up the valley, the people of Tennessee and Kentucky cried out for war. The Federalists of the East joined in the cry; and, when Congress met, an earnest effort was made to force the Administration to take possession of New Orleans. But Jefferson obtained an appropriation of $2,000,000 for the purchase of West Florida and New Orleans, and, with the consent of the Senate, sent James Monroe to Paris to aid Livingston, the American minister there, in making the purchase. A renewal of war between France and Great Britain was at this moment (January, 1803) imminent, and Napoleon was anxious to avoid complications in America. Accordingly, before Monroe reached

Paris, the First Consul made a counter-proposition that the United States should buy all Louisiana as ceded to France by Spain. The offer was gladly accepted, and the price of 80,000,000 francs, or $15,000,000, agreed on. The treaty was signed in May, 1803, and ratified by the United States Senate in October; and the province was formally delivered, with no little ceremony, at New Orleans in December, 1803.

Concerning this splendid domain hardly anything was known. No boundaries were given it on the north, the west, or the south; but it was understood that Louisiana stretched from the Mississippi to the Rocky Mountains on the west, and from the boundary of the British possessions on the north — a boundary yet to be determined — to the Gulf of Mexico, according to some, even to the Rio Grande. East of the Mississippi the United States claimed West Florida as far as the Perdido river. But Spain denied that any part of West Florida had been included in the Louisiana cession to France; and during fifteen years this question remained unsettled.

That the unknown West ought to be explored had been a favourite idea of Jefferson for twenty years; and he had tried to persuade learned men and learned societies to organise an expedition to cross the continent. Failing in this, he turned to Congress, which, in 1803 (before the purchase of Louisiana), voted a sum of money for sending an exploring party from the mouth of the Missouri to the Pacific. The party was in charge of Meriwether Lewis and William Clark. Early in May, 1804, they left St Louis, then a frontier-town of log-cabins, and worked their way up the Missouri river to a spot not far from the present city of Bismarck, North Dakota, where they passed the winter with the Indians. Resuming their journey in the spring of 1805, they followed the Missouri to its source in the mountains, after crossing which they came to the Clear Water river. Down this they went to the Columbia, and to a spot where, late in November, 1805, they "saw the waves like small mountains rolling out in the sea." They were on the shores of the Pacific Ocean. After spending the winter at the mouth of the Columbia, the party made its way back to St Louis in 1806. Lewis and Clark, however, were not the first citizens of the States to see the Columbia river. In 1792 a Boston ship-captain named Gray was trading with the Pacific coast Indians. He was collecting furs to take to China and exchange for tea to be carried to Boston, and, while so engaged, he discovered the mouth of a great river, which he entered and named the Columbia in honour of his ship. By right of Gray's discovery, the United States was entitled to all the country drained by the Columbia river. The exploration of this country by Lewis and Clark made the title stronger still; and it was finally perfected a few years later, when trappers and settlers went over the Rocky Mountains and occupied the Oregon country.

War broke out again between France and Great Britain in May, 1803; and the United States entered on that long struggle for "free trade and

sailors' rights" which ended, nine years later, in her second war with Great Britain. The United States was once more a neutral power; and her merchants began to trade with Europe and with the West Indies, as during the later war, by means of the "broken voyage." In two years' time almost the whole carrying trade of Europe was in American hands. The merchant flag of every belligerent save Great Britain almost disappeared from the sea. France and Holland ceased to trade under their own flags. Spain for a time carried her specie and her bullion in her own ships, protected by her men-of-war; but this practice was soon abandoned, and before 1806 the dollars of Mexico were brought to her shores in American vessels. It was under the Stars and Stripes that the gum trade went on with Senegal, that ingots and dollars were exported from Vera Cruz and La Plata, that hides were carried from South America, and sugar from the ports of Cuba. From Cadiz, from Barcelona, from Lisbon, from Emden and Hamburg, Göteborg and Copenhagen, from the ports of Cayenne and Dutch Guiana, from Batavia and Manila, fleets of American merchantmen sailed to the United States, there to break the voyage and then go on to Europe.

But this great trade was now doomed to destruction. It was attacked in two ways — by paper blockades and Admiralty decisions. In January, 1804, Great Britain blockaded the ports of Guadaloupe and Martinique; in April she closed the ports of Curaçoa; and in August she extended her blockade to the Straits of Dover and the English Channel. In May, 1805, came a blow from the Lords Commissioners of Admiralty. A ship named the *Essex* had taken on board a cargo at Barcelona in Spain and landed it at Salem in Massachusetts, had paid duties, and, after undergoing repairs, had cleared, laden with the same cargo, for Havana. This was the legal "broken" voyage. But on her way to Cuba the *Essex* was seized, sent in for examination and condemned. The court now looked into the intention of the claimants, declared that the cargo had never been intended for sale in the markets of the United States, but had been exported from Spain for sale in Cuba, and that the voyage was therefore, in effect, direct. They accordingly condemned the ship and cargo; and the Lords Commissioners sustained the ruling.

It was July, 1805, when the final decision was made in London, and September when the news reached the United States. It threw the commercial world into a flurry of excitement. Insurance companies, chambers of commerce, mass-meetings of merchants in all the large seaports, called on Congress to retaliate; and in April, 1806, the first of a long series of retaliatory measures was signed by the President. The Non-importation Act of 1806, as it was called, forbade the importation from Great Britain or her dependencies of a long list of goods. The Act came into force on November 15, but six weeks later it was suspended.

Scarcely had this law been passed, when the act of a British naval officer off the harbour of New York called forth another measure of retaliation more futile still. As the coasting schooner *Richard* was approaching Sandy Hook one evening in April, 1806, and was less than half a mile from shore, the British ship *Leander*, which had long lain in the offing, fired two shots across her bows as a signal to heave to and be searched. The *Richard* was quickly rounded: but at the same moment a third ball badly directed struck the taffrail and carried off the head of the helmsman. In New York excitement rose high. Flags on the vessels were put at half-mast; the people wore mourning; a public funeral was given to the murdered man; and resolutions were adopted, denouncing in strong terms the tame submission of the government. The President did what he could. He issued a proclamation calling for the arrest of Captain Whitby of the *Leander;* ordered the *Leander*, the *Cumbria*, and the *Driver* to leave the ports of the United States; forbade the people to repair them, pilot them, or supply them with food; and commanded their officers never again to enter the waters of the United States.

Meanwhile the question of impressment had grown into a serious issue between the two countries. In 1790, Spain having seized a couple of British ships in Nootka Sound, Great Britain made ready for war; and one night in May a press-gang went the rounds of sailor resorts in London. So many American sailors were seized that the captains of the American vessels in port applied to Gouverneur Morris for aid. Morris was on a private visit to London, but had been requested by Washington to inquire into the disposition of the ministry to send a minister to the United States. He now undertook this mission, had interviews with Pitt and the Duke of Leeds, was assured that Great Britain had no wish to molest American sailors, and was told that the trouble arose from the difficulty of distinguishing the subjects of his Majesty from the citizens of the United States. Morris then asked if certificates of citizenship issued by the Admiralty Courts would be sufficient protection, and was told they would. But Washington would hear nothing of certificates; and when Thomas Pinckney went out as American minister he was especially instructed on this matter. Nothing however had been accomplished when the French war opened and impressment began in earnest. In 1793 consuls were permitted to issue certificates of citizenship. But Great Britain held that this was not a consular power, and the certificates were not respected. In 1794 Jay concluded his treaty; but it was silent on impressment, and in 1796 Congress interposed. Collectors of the ports were now authorised to issue protection papers to American sailors; and two agents were to be appointed to reside abroad, inquire into the situation of the impressed Americans, and report to the Secretary of the Treasury. Under this law, between 1796 and the peace of 1802, 35,000 seamen

were registered by the collectors, and the release of 1940 was asked for by the agent in London.

Meantime, together with impressment there had grown up another difficulty, which deeply concerned Great Britain. The sudden expansion of the commerce and the ocean carrying trade of the United States increased the demand for sailors. As the supply was inadequate, wages rose from eight to twenty-four dollars a month; and British sailors, tempted by such pay, deserted from every war vessel that entered an American port. So serious a matter did this become that in 1798 an offer was made, and revived in 1800, for the addition to the treaty of 1794 of an article concerning the return of deserters. But the article, not sufficiently providing against impressment, was declined; and desertion went on more defiantly than ever.

After the rupture of the Peace of Amiens, these two issues of impressment and desertion reached a crisis. The coast of the United States from Maine to Charleston was fairly blockaded by British vessels of war. Some cruised along the coast from Eastport to Cape Ann. Others lay off the Long Island shores and impressed sailors within a league of Sandy Hook. One squadron passed within the capes of Chesapeake Bay and inflicted on Norfolk, Hampton, and Baltimore all the rigours of a blockade. Their launches scoured the waters of the Bay, fired on vessels that would not stop when summoned, searched those that did, and on one occasion gave chase to a revenue cutter with the Vice-president on board.

One of these blockaders, the *Melampus*, happening to be at anchor in Hampton Roads in the month of February, 1807, the officers gave an entertainment on board. When the festivities were at their height, five of the crew slipped over the side of the *Melampus*, seized the captain's gig, rowed ashore, and fled to Norfolk. There three of the men engaged for service on the United States frigate *Chesapeake*, which was soon to set sail for the Mediterranean. A demand was made for their return. But while letters were passing to and fro, five sailors deserted from the *Halifax*, and next day took service on the *Chesapeake*.

As soon as these desertions, and the refusal of the American authorities to return the men, were reported to Vice-admiral Berkeley at Halifax, he despatched an order to the commanders of his Majesty's vessels on the North American station to watch for the *Chesapeake* at sea, and to search her for the deserters from the *Halifax*. Three weeks later the *Leopard*, bearing this order, reached Hampton Roads, just as the *Chesapeake* came down the Elizabeth river from Norfolk, and anchored in the Roads. The next day, when she stood out to sea, the *Leopard* followed till well beyond the jurisdiction of the United States, and then spoke her. Supposing the communication to be of a peaceful character, Commodore Barron hove to; and an officer from

the *Leopard* was soon on deck with a letter containing a request to search for the deserters and enclosing a copy of Admiral Berkeley's order. Barron refused to muster his crew; whereupon the *Leopard* ranged alongside and opened fire. To return it was impossible, for the *Chesapeake* was just off the stocks, and had been sent to sea so hurriedly that but a few of her guns were mounted. Not a rammer could be found; not a powder horn was full: the matches were mislaid. Twenty minutes passed before a gun could be loaded and fired with a live coal from the cook's galley. Meantime twenty-one shots from the *Leopard* struck the hull of the *Chesapeake;* the foremast and mainmast had been destroyed and the mizzen mast injured; the rigging was badly cut; three men were killed and eighteen wounded. Then Barron hauled down his flag and the *Chesapeake* was a prize. Searchers from the *Leopard* found but one deserter from the *Halifax*, the rest having deserted before the *Chesapeake* left harbour; but they took away three sailors, each of whom was a citizen of the United States. The *Chesapeake* was then suffered to make the best of her way back to port.

As the news of this action spread over the country, the people were deeply moved. They put on badges of mourning, cried out for war, and, in resolutions from a score of towns, pledged their lives and fortunes in support of any measure, however vigorous, that the Administration might adopt. The President, however, merely issued a proclamation commanding all British armed vessels to leave the ports of the United States, and despatched an agent to England to demand a disavowal of Berkeley's order, and to seek reparation for the insult. No heed was given to the proclamation. The vessels in Lynnharm Bay came and went as they pleased; and five years passed before the three American sailors taken from the *Chesapeake* were returned to the deck of an American frigate.

While popular indignation was still burning fiercely, Napoleon added to the flame by another blow at the carrying trade of neutrals. In May, 1806, King George, by an Order in Council, had declared a paper blockade of the coast of Europe from the river Elbe to the port of Brest, and forbidden neutrals to enter a port within these limits unless they carried the products of their own country or of British looms and factories. That Napoleon would not tamely submit to this Order was certain; but he bided his time till the battle of Jena made him master of central Europe. Then he issued his Berlin Decree, and on November 21, 1806, laid the British Isles under blockade. It was now the turn of Great Britain to strike; and accordingly, on January 7, 1807, a new Order in Council forbade neutrals to trade between any two ports which were in the possession of France or her allies. As time passed, and these new orders produced no apparent effect, the British government went a step further. On November 11, 1807, a third

Order in Council declared that every port, from which for any reason the British merchant flag was excluded, should be shut to neutrals unless they first stopped at some port in the United Kingdom, or at Gibraltar or Malta, paid certain duties, and took out a license to trade. Finally, Napoleon, in the Milan Decree of December, 1807, ordered the confiscation of every neutral ship that had allowed itself to be searched by the British. Meanwhile the treaty of 1794 with England had expired (1806); Jefferson's efforts to make a new one failed; and American merchants were left unprotected, to be crushed between the two belligerents.

Between the Orders in Council and the Berlin Decree there was but one of three courses left for the United States to pursue. She must fight for her neutral rights, tamely submit, or abandon the ocean. Jefferson chose the last. In December, 1807, he put the Non-importation Act of 1806 into force, and asked Congress to close the ports of the United States to foreign trade and commerce. An Embargo Act was quickly passed; and from December, 1807, to March, 1809, all trade with foreign countries ceased. On France and Great Britain the Act produced no effect; that on America was ruinous. The people along the frontier evaded the law openly. A long series of supplementary Acts was carried, designed to enforce the embargo and ending with a Force Act, authorising the President to use the army and the navy to execute the law. Wherever it was possible, the Acts were defied. Against the Force Act the commercial part of the country rose as one man; and in March, 1809, the embargo was lifted. In its stead a non-intercourse law was enacted. By this all trade was forbidden with France and Great Britain, and the colonies, dependencies, and ports under their flags. Nothing could be carried to them; nothing could be brought from them. But should France revoke her decrees, or Great Britain her Orders in Council, the law might be suspended, as to the country so doing, by proclamation of the President.

Three days after signing the Non-intercourse Act, Jefferson closed his second term of office; and James Madison became President of the United States (March, 1809). Scarcely was he fairly settled in his new office when David Erskine, the English minister, appeared before the Secretary of State with an offer from his government to recall the hated Orders. The proposition was accepted, and in April three pairs of notes were exchanged. In the first of these Erskine, in the name of his Majesty, offered reparation for the attack on the *Chesapeake*, disavowed the order of Admiral Berkeley, and engaged to return the three American sailors and make provision for the families of the slain. In the second he announced the willingness of his Majesty to recall the Orders of Council, if assurance were given that the United States would renew intercourse with Great Britain. In the third he named June 10, 1809, as the day whereon the Orders should be recalled in respect of the

United States. To each note presented by Erskine a suitable answer was returned; and, everything having been arranged, a proclamation made known to the country that on and after the 10th of June trade with Great Britain and her colonies would once more be open to the merchants of America.

The joy in the shipping ports was great indeed. The riggers and sailmakers could not do half the work offered them. Every shipyard was crowded with vessels waiting to be scraped and cleaned. Long columns of notices of ships for charter and ships for sale appeared in the newspapers; and, when the appointed day came, a fleet of more than 600 vessels loaded to the water's edge set sail. Meantime the report of Erskine's agreement had reached his government, which promptly disavowed his act and recalled him. It was late in July when news of these proceedings reached Madison, who as speedily as possible issued a second proclamation, recalling the first and again stopping commercial intercourse with Great Britain. Erskine's successor was Francis J. Jackson, whose conduct at the court of St Petersburg and later at Copenhagen had won for him an unenviable reputation. This he fully maintained by so grossly insulting the American government that all communication with him was refused; and he returned to England, with nothing done. A third minister, Rose, was equally unsuccessful, and withdrew in 1810.

The Non-intercourse Act having failed to bring about a repeal of the French Decrees or the British Orders in Council, Congress now tried another form of retaliation, and Macon's Bill No. 2 was placed on the Statute-books (May 1, 1810). This law repealed the Non-intercourse Act of 1809, and opened trade with all the world. But it authorised the President, in case either Great Britain or France should, before March 3, 1811, revoke her edicts or so modify them as to damage the neutral trade of the United States no longer, to stop trade with the nation which still refused to revoke or modify its edicts. Of this provision Napoleon now pretended to take advantage.

The Emperor had replied to the Non-intercourse Act of 1809 with the Rambouillet Decree of March, 1810. This Decree ordered the seizure of every American ship and cargo that, since May 20, 1809, had entered a port of France, or any of her colonies, or any country occupied by her army, or which it might enter thereafter. Though signed in March, the Decree was kept secret till May, by which time cargoes to the value of $10,000,000 had been seized in the ports of France, Spain, Holland, and Naples. Under the Decree they were soon sold, and the money placed in the *caisse d'amortissement*.

While this high-handed robbery was going on, a copy of the *United States Gazette* containing the Macon Act of 1810 reached the American Minister at Paris. He forwarded the *Gazette* to Champagny, who in turn showed it to Napoleon. The chance for a new act of treachery was too

good to be lost. The Emperor at once decided to accept the offer; and Champagny in August informed the American Minister that on November 1, 1810, the Decrees of Berlin and Milan would be revoked if, by that time, Great Britain recalled her Orders in Council, or the United States caused "her rights to be respected by the English." On November 2, 1810, President Madison accordingly issued a proclamation serving three months' notice on Great Britain and naming February 2, 1811, as the day when non-intercourse would come into effect as to Great Britain, unless, before that date, the Orders in Council were revoked. When the day came, Great Britain had not recalled her Orders; and Congress three weeks later passed a bill which revived nine sections of the Non-intercourse Act of 1809 and prohibited all importation of British goods.

By this time the relations of Great Britain and the United States had become more strained than ever. The British government had appointed no successor to Rose; the American Minister therefore asked for his passports and left London. Thereupon the British government in alarm appointed Augustus Foster, who reached Washington in July, 1811. His instructions empowered him to do one thing only — to settle the *Chesapeake* affair in any manner satisfactory to the United States. It would have been well, therefore, if he had set about this at once. But he began his mission with a protest against the Non-intercourse Act, a declaration that the Decrees of Berlin and Milan had not been repealed, and an assurance that, till they were repealed, the Orders in Council which depended on them would never be revoked.

That the Decrees had not been repealed was true, for since November 1, 1810, several American vessels which had visited British ports had been seized and their cargoes confiscated; and sixteen others which came direct from the United States had been sequestered. The latter were soon released; but those captured for having touched at British ports were not set free. All this, according to Napoleon, was quite regular. The Berlin and Milan Decrees had been repealed so far as regarded the United States, but the municipal ordinances of the French ports were still in force; and it was under these that the seizures had been made — a statement just the reverse of the truth, for the vessels retained had come from British ports, and therefore, falling under the Decrees, should have been released, while those set free came direct from America and had not violated the Decrees at all. Madison, however, accepted the explanation, and, finding that Foster persisted in stating that the Decrees were yet in force, and therefore in his refusal to revoke the Orders, issued a proclamation summoning Congress to meet in special session on November 4, 1811. In his message to that body he complained that the repeal of the French Decrees had not induced Great Britain to recall her Orders; that they were at that moment more aggressively enforced then ever, while the United States had been given to understand that a continuance of the Non-importation Act would provoke retaliation;

that indemnity and redress for old wrongs were still withheld; and that the coasts and the harbours of the United States were again witnessing scenes not less derogatory to the national rights than vexatious to trade. Accordingly the President asked that the United States should be put "into an armour and an attitude demanded by the crisis."

The appeal did not fall on deaf ears; and the House and Senate proceeded with due diligence to prepare for war. The ranks of the regular army were ordered to be filled; the number of regiments was increased; money was voted for the army and navy; provision was made for accepting the service of 50,000 volunteers; and in April, 1812, an embargo was laid on all foreign shipping for thirty days. On June 1 the President sent a message to Congress advocating war on the grounds that Great Britain had urged the Indians to attack the whites, had ruined American trade by the Orders in Council, had practically blockaded American ports, and had impressed American seamen to serve in her own ships. The House and the Senate passed the necessary Act by majorities of about two to one; and on June 19, 1812, Madison, by proclamation, declared that a state of war existed between Great Britain and the United States.

CHAPTER X

THE WAR OF 1812

THE outbreak of war in 1812 between Great Britain and the United States was the result of causes described in the previous chapter. As the United States was the chief neutral carrier at that time, American commerce was severely hampered by Napoleon's Decrees as well as by the British Orders in Council. But American sympathy with Napoleon was strong, especially in the southern States, which at that date dominated the Union; and, though his action had provoked the Orders in Council, while his dealings with American shipping showed a supreme disdain for laws and treaties, Great Britain had to bear the full brunt of American indignation. This feeling of ill-will was increased by the severity with which British naval officers impressed American sailors and searched American ships for deserters and British seamen. The affair between the *Leopard* and the *Chesapeake* (1807) has already been mentioned; and the steadily increasing friction between the two Powers was intensified by another encounter, between the American frigate *President* and the British sloop *Little Belt* (May, 1811), in which the latter was captured. On June 23, 1812, five days after the declaration of war by America, the British government revoked the Orders in Council; but the news, which did not reach the United States for some weeks, was too late to avert the conflict.

It is quite clear—and the fact is now admitted by impartial American historians—that Great Britain was anxious to avoid the conflict thus forced upon her. In a despatch to Sir G. Prevost, the Governor of British North America, in 1812, the British government frankly avowed its desire to preserve peace with the United States, and to pursue uninterruptedly with the whole available force of the nation the far greater interests at stake in the war with Napoleon. Yet, to withdraw the Orders in Council, and to abandon the right of search, would have been to surrender two weapons almost indispensable for the successful prosecution of that conflict. With able management, it is just possible that war with the United States might have been averted; but on neither side was the diplomacy able, and in spite of their wish to avoid

war the British Ministers were swept into it. This result caused very grave embarrassment to England. Her strength was already taxed to the utmost by the prolonged struggle with France; her best seamen and ships were needed to maintain the blockade of the French ports; her trade was in a depressed condition; and acute foreign observers, such as Metternich, thought that the fabric of her empire was tottering. Napoleon was on the eve of his invasion of Russia when the United States declared war; and Continental opinion anticipated his speedy success — a success the more certain if British energy were diverted to a new field in America. But for the disasters of the Russian campaign, followed by the crushing defeat of Leipzig, the war of 1812 might have rung the knell of freedom in Europe for a generation. The winter of that year was the crisis of the gigantic conflict; and the feeling that at such a moment they were being assailed by their own kindred undoubtedly accounts for the peculiar bitterness which the British displayed towards the Americans in this war.

In throwing down the gage of defiance the people of the United States had neglected to make due preparation for war. Their navy was insignificant, though what there was of it was of the finest quality, manned by excellent seamen and commanded by young officers. It counted only seven efficient frigates and nine smaller craft. The frigates were of the largest size, with batteries superior to those on board British ships of their own class, and with much stronger hulls. But for this state of affairs British officers were to blame. Captains of the royal navy had inspected one of the American frigates in a British harbour, and reported to the Admiralty that she did not differ in any essential from a British frigate, thus failing to grasp the preponderance in the vital elements of naval force which she possessed. Yet after two or three actions we find the British navy protesting that American frigates were really "ships-of-the-line in disguise."

The army of the United States at the declaration of war numbered 6744 regular troops. Congress had previously sanctioned the further enlistment of 25,000 men; but only 4000 raw recruits had been enrolled by June, 1812. In addition, the President was empowered to call for 50,000 volunteers and 100,000 militia, the latter to be provided by the various States according to their quotas. But these figures were never attained; recruits did not come forward in the number required; volunteers did not respond to the call; and the militia were so devoid of training, and so ill-provided with experienced officers, that their value for offensive war was slight. Moreover, the militia were under the State governments; and, as the New England States were bitterly opposed to the war, this was a serious impediment to the effective employment of the force. The Governor of Connecticut refused to permit his militia to serve outside his State, and was supported in this rebellious attitude by his State legislature. The Governor of Massachusetts declined to keep

his militia embodied, on the score of expense; the Governor of Vermont in 1814, at a critical moment, followed the example of the Governor of Connecticut. There was a general want of arms, equipment, ammunition, and transport. Yet it must not be supposed that the difficulties were all on one side. Canada, with a population which at this date did not exceed 300,000, was everywhere open to attack ; and her immense land-frontier of 1000 miles was defended by only 7000 regular troops, including invalids. There was also a certain amount of disaffection to the British cause, which showed itself near Montreal, in June, 1812, in armed resistance to the attempt to draft men for the militia under the Militia Act; and, though this resistance was easily overcome, 367 Canadians joined General Hull in his invasion of Ontario, while, late in 1814, eight Canadians were executed at Burlington for high treason. One important auxiliary the British had on their side. Under the leadership of that romantic figure, the Shawnee chief Tecumthe, the Indians of the North-west had in 1811 attacked the Americans; and, when England became involved in hostilities with the United States, their aid was offered to her and was not declined.

On land the war centred mainly about the two extremities of Lake Erie, command of which by a naval force was the deciding factor of success. At the outset the British had the superior flotilla on lake waters. The American plan was to invade Upper Canada, as the province of Ontario was then called, from each end of Lake Erie, by crossing the Niagara and the Detroit, on which latter river the strongest British post was Malden, near Amherstburg. The first move was made by the American general Hull, who, after a tedious and difficult march through the wild forests of Ohio, crossed the Detroit in July, 1812, with 1850 men, and menaced Malden. His troops, however, were ill-equipped and undisciplined; he himself was old, timid and unenterprising, except in his proclamations, which threatened the Canadians with a war of extermination if they dared to employ Indians ; and, when at the end of July news reached him that the post of Mackinaw, at the head of Lake Huron, had been captured by the British and Indians, he became anxious about the North-west and his communications, which were now exposed to Indian attack, and hurriedly retired to Detroit. Already the British were moving against him. On August 12 Major-General Brock met the Indian chief Tecumthe at Amherstburg and concerted with him measures against the enemy. Over that meeting floats a halo of romance, and in Canada it is still celebrated in song to this day. Both leaders were of singular capacity and daring; both were doomed to heroic and premature death in battle.

The Indians having cut Hull's communications, Brock boldly moved against him, and with 750 white troops and 600 Indians actually prepared to assault his defences. Hull's position, separated as he was from his supports, was dangerous; and, seeing only the gloomy side, he

capitulated, involving in his capitulation other detachments not under his direct command. In all, 2500 men and 33 guns were surrendered to the British. For his conduct Hull was tried by court-martial and sentenced to death; but the sentence was commuted. The British reaped no great advantage from their success, as Prevost, in the hope of patching up a peace, had agreed to an armistice with the American commanders; and this respite enabled them to bring up reinforcements. Harrison succeeded Hull; but under the new commander the Americans failed once more in an attempt to capture a British post on the Maumee river.

At the eastern extremity of Lake Erie the Americans were not more successful. On October 13 the American general van Rensselaer attacked Queenstown on the Niagara. Fortune seemed at first to smile upon the Americans, and the British general Brock fell in attempting to drive his enemy back. But, at the crisis of the combat, 3000 American militia discovered that they had constitutional objections to crossing the frontier; and, as they refused to move, 900 men who had crossed were beaten under their very eyes, and compelled to surrender to the British. A second attempt to invade Canada in this quarter was made by General Smyth with no better issue.

But for a series of brilliant ship-actions at sea, the complete failure of the United States land forces, combined with the seditious opposition to the war in New England, might have resulted in peace. But on the element which Great Britain had come to regard as peculiarly her own, the overweening confidence of British naval officers and their neglect of gunnery caused reverse after reverse. In order to avoid provoking American susceptibilities, the fleet on the coast of the United States had not been adequately reinforced before the outbreak of hostilities. The following figures give the sea-going strength of the British squadrons in North American waters at the opening of five successive years, and show the progressive increase in the force employed.

	Rates	1811	1812	1813	1814	1815
Ships of the Line	(1—3)	3	3	7	14	21
Intermediates	(4)	0	0	1	3	5
Cruisers and Frigates	(5—6)	19	21	34	28	45
Small craft		73	53	47	70	92
		95	77	89	115	163

But it must be remarked that the figures for 1814 and 1815 are not official, and are therefore far from exhaustive; while of the West Indian squadrons, which are included in the table, a considerable portion was occupied in watching pirates, and, until the peace with France, in protecting British commerce against French privateers. In view of the fact that Great Britain possessed, in 1815, 219 ships of the line and 296 frigates, and had been at peace with France for eight months, the force employed in that year seems quite inadequate.

The first naval action was fought on August 19, 1812, when the American frigate *Constitution*, 44, met the British *Guerrière*, 38, and after twenty-five minutes of firing reduced her to a complete wreck and compelled her surrender, receiving but insignificant damage in return. In weight of metal the American was incontestably superior, but she was also far better handled, and her shooting was such as to astonish the British crew. This victory caused extraordinary elation in the United States, while in London it produced corresponding gloom and depression. It was followed by three similar incidents. On October 18 the American sloop *Wasp* captured the British sloop *Frolic* of equal force but inferior nautical quality, and captured her with a loss to the Americans of only 10 men, against a British loss of 62. A week later, on October 25, the American frigate *United States*, 44, encountered the British frigate *Macedonian*, 38, and after a terrible combat of one hour's duration, in which the Americans inflicted a loss of 104, with only 13 casualties in their own ship, compelled her to strike her colours. Again the American was much superior in force; again the American captain, Decatur, handled his vessel far better than his British opponent. To complete the tale of British reverses, on December 29 the British frigate *Java*, 38, with a crew largely composed of landsmen, unskilled in gunnery, was captured by the American *Constitution*, 44, after an action in which the *Java* lost her captain and one-third of her crew.

These disasters led to the issue of an order by the British Admiralty, directing captains not to engage American ships of superior force. This order at once produced the required result; and the long succession of American victories was interrupted. While the warships of the United States were giving so good an account of themselves, the depredations committed by American privateers on British shipping were producing a state of exasperation among British traders. No less than 500 British merchantmen were posted in *Lloyd's List* as having been captured during the seven months of war from October, 1812, to May, 1813. On the other hand, American foreign trade was destroyed and coastwise traffic was interrupted — a serious matter at a date when there were no railways, and communication by land was slow and uncertain. The United States, indeed, was in danger of being sundered strategically into a number of isolated fragments, and this though the British naval force on the American coast was as yet weak. Not till June, 1813, was the coast south of New York closely watched; and even then privateers and warships from time to time managed to evade the blockade.

The campaign of 1813 opened in the North-west with further American reverses. The American general Winchester, while marching to the relief of Frenchtown on the river Raisin, which was threatened by a Canadian force, was attacked on January 22 by the British colonel Proctor with a force of 1100 regulars, militia, and Indians, and was compelled to surrender with 500 men. A part of his force was

overpowered by the Indians and massacred, as neither Indians nor Americans gave quarter to one another. Even those Americans who surrendered to Proctor were not all saved, and 30 of their wounded were murdered by these British auxiliaries — some, it is alleged, under circumstances of unusual atrocity which reflected the utmost discredit on Proctor. Harrison had previously been preparing to take the offensive, but on the news of this reverse he fell back; and Proctor laid siege to Fort Meigs on the Maumee, but without success. After an indecisive action before this place the British retired to Canada. An attack on the American post of Fort Sandusky, later in the summer, was even more disastrous to the British cause, the British troops being repulsed with heavy loss.

Command of Lake Erie being the essential factor of success in Upper Canada, it was natural that both sides should turn their attention to the provision of a powerful flotilla upon its waters. So far the British had had the advantage, and in consequence had been able to move their troops and supplies by water, while the Americans were compelled to resort to land-transport along tracks which at that date led through sparsely settled country. The American Commodore Perry, however, had been busily building ships at Presqu' Isle, now known as Erie; and, as his resources were greater and near at hand, while he also had a large supply of good seamen and cannon, the ships which he produced were superior to the British. Commander Barclay, an officer of great capacity and courage, was at work on the Canadian side of the frontier; but he was badly supported by the Canadian authorities, and, probably because the British navy could hardly find men enough for its sea-going ships, he did not obtain the seamen he needed to work his flotilla, while his guns were wretched little weapons of feeble calibre. In August the American flotilla was ready for service, and Perry issued from his harbour of Erie. Injudicious orders from Prevost and the want of supplies compelled Barclay to fight; and on September 10 the two squadrons met in combat. On the American side were nine vessels with a total broadside of 896 lbs.; on the British six, with a broadside of 459 lbs., and so indifferently equipped that there were no locks for firing the guns. The action was fiercely contested, the commanders on either side behaving with the utmost bravery and resolution. Perry's flagship, the *Lawrence*, was knocked to pieces; but he shifted his flag and continued the action till his superior weight of metal made itself felt, and Barclay's force was compelled to surrender. Barclay himself received wounds so terrible that the sight of his shattered body and the remembrance of his bravery produced the unwonted effect of melting to tears the court-martial which tried him for his defeat. This encounter was decisive in the west. Lake Erie henceforth became American; the campaign on land turned in favour of the United States; and the American troops once more entered Upper Canada. On October 5 they inflicted a

complete defeat upon Proctor on the river Thames, capturing eight of his guns and the greater part of his force. Proctor fled in his carriage; the Indian chief Tecumthe died gallantly in action, striving to retrieve the day; and his body after death was mutilated by the victors.

On Lake Ontario, the Americans, directed by Captain Chauncey, had constructed a squadron superior in power to the British force under Captain Yeo; and in the spring of 1813 they utilised their preponderance for an attack upon York, now known as Toronto. On April 27 the place, with 300 prisoners, fell into their hands. The Americans burnt the Parliament House, an act which was afterwards cited as justifying the British proceedings at Washington. Exactly a month later Chauncey covered a successful attack upon Fort George, on the Niagara, and compelled the British to abandon the fort and the line of that river. On May 29 Yeo's flotilla, with a military force, made a raid upon the American naval base of Sackett's Harbour, but was repulsed with heavy loss, though a large quantity of American naval stores was destroyed. For the next few months a peculiar situation existed on this lake. Each side was building ships; and, as these ships were completed, first one side and then the other obtained a temporary command of its waters. While the two navies were thus occupied, a fresh reverse befell the American land forces under General Dearborn, which had now been driven back to the neighbourhood of the Niagara river. On June 24 a detachment 570 strong was cut off by a small force of Indians at Beaver Dam, and captured. The military situation was made still worse by the failure of an expedition against Montreal, in which an American force of 2000 regulars under General Wilkinson was defeated by 800 British troops at Williamsburg, on November 11. In June, also, the American flotilla upon Lake Champlain had been checked; and in July, Plattsburg, on that lake, fell into the hands of the British, who destroyed the barracks and military stores there. In December the Canadian village of Newark was burned by the American general McClure, without provocation, an act which added fuel to the flames of British indignation.

At sea the British navy made its power felt during the year, as reinforcements arrived. The estuaries of the Delaware and Chesapeake were entered and used as British bases by British squadrons, which harassed the coast population, attacked the militia, burned houses where any resistance was offered, and raided small towns; in fact, they employed exactly the same methods of severity which fifty years later Sherman and Sheridan brought to so high a pitch of perfection. The apathy of the coast population was remarkable; and the American navy, in the absence of ships of the line capable of meeting the British seventy-fours, was unable to afford any real protection. On the open sea the tide of victory no longer flowed uninterruptedly in favour of the United States. Warned by the disasters of 1812, British captains were paying more attention to gunnery, so that it was said, with no small amount of truth,

that a British frigate of 1813 was twice as efficient as one of 1812. More care was shown in selecting the crews, and the armaments were strengthened; while the commanders of weak ships no longer recklessly closed with powerful opponents. On June 1 the *Chesapeake*, 38, Captain Lawrence, engaged the British *Shannon*, 38, Captain Broke, off Boston. In force the two ships were equally matched. The American had a very slight preponderance in metal, and a crew larger than her antagonist; but Lawrence was a stranger to his men, having only received command of his ship a fortnight before. The fight which followed was brief and bloody; in fifteen minutes from the first shot the British, superbly led by Broke, swept on board and carried the American. The enhanced estimation in which American fighting capacity was now held in England was proved by the enthusiastic applause which this action evoked from the British navy and nation. The British captain was famous in his service for his attention to gunnery, and thoroughly deserved his success. He was badly wounded; his opponent Lawrence fell in the combat, adjuring his officers, in a phrase now historic, not to give up the ship; he was followed to the grave by the British officers at Halifax, who admired his heroic character and his knightly devotion. In small ship encounters the luck was evenly balanced. The American sloop *Hornet*, on February 24, sent to the bottom the British *Peacock*, famous not for gunnery but for the tasteful decoration of her deck; the British *Pelican* captured the American *Argus* of inferior force, in St George's Channel; and the American *Enterprise* took the British *Boxer* off the coast of Maine.

The effects of American depredations upon British commerce were painfully felt in the United Kingdom during 1813. American cruisers of all kinds appeared in British waters, and rendered even transit to Ireland unsafe. In fact, while British ships were blockading the coast of the United States, something approaching a blockade of the British Isles had been established by these audacious antagonists, using the French ports as their bases. The Admiralty appeared to be quite unable to expel the intruders; and the force of British cruisers in home waters was much below strategical requirements. Premiums of 13 per cent. were paid for the insurance of British ships even on the Irish Sea; the rate on vessels trading to America increased by 33 per cent. To be safe it was necessary to sail under convoy. Lumber and cotton, articles for which the British consumer depended mainly upon the American producer, rose to enormous prices. In March, 1813, New Orleans cotton was selling at 3*s.* to 3*s.* 2½*d.* per pound, though it was stated in Parliament that England had a two years' supply of this raw material for her manufactures. Fortunately for her the price of wheat had fallen, while the retreat from Russia and the battle of Leipzig had destroyed the supremacy of Napoleon; or even the British nation, for all its stubborn persistence, might have flinched.

The opening of 1814 was marked by more strenuous efforts on the part of Great Britain to bring her antagonist to reason; and powerful reinforcements were despatched from the Peninsular army to Canada and the littoral of the United States. But, even now, British resources were not intelligently employed; and the importance of commanding the Canadian lakes does not seem to have been grasped. The heterogeneous American land forces were acquiring some degree of discipline, and were becoming more formidable than they had been; and in the course of the year they were to vindicate their ability to encounter the finest troops that England possessed — troops who had proved their worth upon the battle-fields of Spain. In March, at La Colle Mill, near Lake Champlain, a considerable American force under General Wilkinson was repulsed by a small British detachment; but against this were to be set two British failures, in attacks upon Oswego and Sackett's Harbour. In July the Americans assumed the offensive on the Niagara line, and with 4780 men entered Canada. On July 5 they encountered the British Major-General Riall at Chippewa, with a force equal to his own, and defeated his regulars after a sharp engagement, in which they inflicted upon him considerable loss. On July 25 the most hotly-contested action of the war was fought at Lundy's Lane. The British numbered 3000; the American force present for duty was 2644; so that the odds were slightly in favour of the British. Both armies fought with great determination and bravery; nothing could surpass the spirit with which Ripley's American brigade charged the British guns and captured them, bayonetting the gunners. But, though forced back, the British regulars rallied, three times returning to the battle; and in the end their stubbornness was rewarded by the recovery of the guns. The loss on each side was about equal; the British had 878 men *hors de combat*, and the Americans 853. Each side claimed the victory; but the truth is that the action was an indecisive one and had no strategic result. The Americans, on the arrival of British reinforcements, were compelled to retire to the line of the Niagara; while the British advanced, laid siege to Fort Erie, which was evacuated by the Americans on November 5, and unsuccessfully attacked Buffalo.

The general results of the campaign in this quarter were thus not unfavourable to the British, who at least held their own, while in the Far West they repulsed an attack upon Mackinaw. Towards the close of the year the Americans withdrew from Upper Canada, in part, no doubt, because of the pressure which the British expeditions were bringing to bear on the American seaboard. In September Prevost led 10,000 men, supported by a small flotilla on Lake Champlain, into the State of New York, with the object of conquering the territory adjacent to Lower Canada. He was not successful in his expedition. On September 11 the Americans completely defeated his flotilla, whereupon he precipitately retired, not venturing without naval support to assault

the works which the Americans had constructed. Though he was bitterly censured at the time for his failure, subsequent experience at New Orleans suggests that his retreat was prudent. He cannot, however, be excused for abandoning his wounded and sick, with a considerable quantity of stores. His recall followed immediately after this *fiasco*.

On the seaboard of the United States the blockade was maintained with energy, and, on April 25, was extended northward, so as to include the New England ports, which had hitherto been left open for motives of policy, as feeling in New England was more than ever hostile to the war. A small expeditionary force under Major-General Ross was despatched to the American coast, and instructed to strike against Washington and the other large towns near or on the coast, with the object of diverting American attention from Canada and making the people of the United States feel the miseries of war. At the same time orders were issued for the conquest of so much of Maine as would give Nova Scotia easy communication with Canada proper. Owing to the great naval strength of Britain the whole coast-line of the United States was open to attack, for it was manifestly impossible to protect 2000 miles of seaboard by fortifications and ill-organised militia. The conquest of eastern Maine was expeditiously achieved by a combined expedition, which seized Eastport on July 11, and in September cleared the zone east of the Penobscot. Nor was any time lost in attacking Washington. Though the British intentions were known to the American government, no serious effort had been made to fortify the place or to prepare for its defence. Lamentable confusion and disorder reigned at headquarters; and a mere rabble of men had been collected to meet the enemy, whose strength was grotesquely exaggerated. The militia of Pennsylvania and Maryland did not come forward with alacrity; volunteers did not respond to the appeals of the President; the few regulars at hand were raw recruits; and, worst of all, there was a great want of money. Landing unopposed at the head of the Patuxent, a British force about 3500 strong, under General Ross, marched slowly on the capital, and on August 24 easily routed the American levies 7500 strong, under General Winder, at Bladensburg, with a loss to the British of 256 men. On the 25th Ross entered Washington. It is difficult to approve the acts which followed, though they were afterwards justified as a retaliation for the destruction of Canadian private property, and were within the strict letter of the laws of war, as interpreted at the time. The public buildings, including the Capitol and the President's house, and one or two private houses, were burned, and a quantity of stores destroyed. Having done all possible damage, the British force withdrew. Simultaneously the town of Alexandria, opposite Washington, was held up to ransom by an independent naval expedition.

The next point attacked was Baltimore, whither the squadron and the troops proceeded early in September; but the enemy had had

time to collect men and raise fortifications. A surprise was for this reason impossible; and, General Ross having fallen in a skirmish, the attempt on the place was abandoned, chiefly because the navy was prevented from co-operating by vessels sunk in the entrance to the harbour. The British land force re-embarked without molestation, and now proceeded south towards the littoral of the Gulf of Mexico. Here operations had been already undertaken by the British, with the object of supporting the Creek Indians, who had risen in 1813 at Tecumthe's instigation, massacred some hundreds of whites at Fort Mimms, and threatened every American post and every home in Georgia and Tennessee. This rising was crushed by the Americans under General Andrew Jackson after severe fighting early in 1814; and the tribe was compelled to agree to a disadvantageous peace in August of that year.

A small British detachment had disembarked at Pensacola, which nominally belonged to Spain, in July, and was so active in issuing proclamations of an insulting nature that it absorbed all Jackson's attention, when he should have kept his eyes fixed upon New Orleans, which was the place marked down for the next serious attack. Pensacola was cleared of the invaders by Jackson in November; but in December the same force which had captured Washington, now reinforced to a strength of about 6000 men, appeared off Lake Borgne and the mouth of the Mississippi, and destroyed the American gunboats on the lake. In New Orleans there was no great devotion to the American cause; and, but for the presence of Jackson, the city would probably have capitulated tamely enough. Jackson, however, after weeks of indolence, displayed remarkable energy. He organised the defences as well as was possible at the last moment; proclaimed martial law, ignoring the Louisiana legislature; and was opportunely reinforced by levies from the Mississippi States. On December 23 the British arrived within seven miles of the city, unmolested and unwatched. For some hours New Orleans was at their mercy; and, had they boldly attacked, the town must have fallen. But the British vanguard was numerically weak; and Major-General Keane, who was in command, thought it wiser to wait for the arrival of the bulk of the force before delivering his attack. That same night Jackson, having recovered from his first surprise, took the offensive, attacking the British and inflicting upon them heavy loss in an indecisive action. On the 25th Major-General Sir E. Pakenham arrived and took command; but he hesitated before ordering an assault, and determined to try the effect of a regular artillery preparation. Heavy guns were dragged up, and days were wasted, during which the American forces were growing in number, and their defences in strength. Their works consisted of three successive lines, on the east bank of the Mississippi, running across a strip of land, a mile wide, from the river to a swamp, so that they could not be turned. In front of the southernmost ran a canal, of varying width and four feet deep. The rampart

behind this canal was excessively slippery; the ground in front of it was as bad; the physical obstacles were thus of a serious nature.

The British artillery attack on the southernmost line was a complete failure. The American gunners obtained the upper hand and drove the British from their guns. Nothing therefore remained but to try a night assault, in which it was reasonable to suppose that the discipline of regular troops would stand them in good stead. But to deliver an assault with success on the east bank it was necessary to capture a small advanced American work on the west bank of the river, which enfiladed the front of the line of entrenchment. It was finally decided to attack simultaneously on both banks of the stream at dawn of January 8, 1815. Twelve hundred men, under Colonel Thornton, were to cross in the course of the night to the west bank. But the difficulties encountered in moving this detachment across were greater than had been anticipated. The boats conveying it had to pass from Lake Borgne, up a canal into the Mississippi; and the journey occupied far more time than had been allowed for it, mainly by reason of a fall in the level of the river and the strong current. The troops on the east bank waited till day was breaking, and then, though the force on the west bank was not yet ready for the attack, moved forward to the assault. From their works the Americans saw, not without emotion, this gallant army form up in all the glory of Old World uniforms and advance in admirable order to the attack. Forthwith there burst forth from their line of entrenchments a storm of fire, more vehement than any that the British troops had hitherto experienced. The roll of musketry was so terrible, so continuous, that it dwelt in the memory of the assailants as most like to the unceasing roar of tropical thunder. Under the hail of bullets, in the growing light, the British troops went down in hundreds. The ladder-bearers and fascine-bearers, who were in front, were the first to fall, but the assailants closed on the work splendidly and determinedly. They reached the edge of the ditch, where they staggered, under the fire, and recoiled. Pakenham recklessly exposed himself in the front, a gallant figure, mounted on horseback, and waving his hat; but he was instantly shot down. At the same moment two other generals were wounded, whereupon the whole force retired in great confusion, leaving behind it 2037 killed, wounded, and prisoners. The loss of the Americans was only 333. It is possible that the repulse would have had even more disastrous results but for the fact that on the west bank of the river Thornton had now carried the detached American work. He was recalled, and the army re-embarked without molestation. It proceeded to Mobile, where it seized Fort Bowyer, and was preparing to attack Savannah when peace put an end to its operations.

The naval actions of this closing period of the war were unimportant. The American frigate *Essex*, 32, after harrying the British whalers in the southern Pacific, was attacked by the British ships *Phœbe*, 36, and

Cherub, 18, in neutral waters, on March 28, 1814, and easily captured, the British having a great superiority in force. In Atlantic waters the same fate befell the American sloop *Frolic*, which was captured by a British vessel of superior class. On the other hand the American *Peacock* took the British *Épervier*, a vessel wretchedly manned, with a large proportion of foreigners in her crew ; and the *Wasp* took the British *Reindeer*, and sank the *Avon*. The closing engagements were the capture of the American frigate *President* by two British vessels of her own class ; the capture of the British sloops *Cyane* and *Levant* by the large frigate *Constitution ;* and the surrender of the British *Penguin* to the *Hornet*, after a sharp action in which the British ship failed to hit her opponent once with her great guns. Such an encounter shows to what lengths neglect of gunnery had proceeded in the British navy as the result of a supremacy unchallenged for seven years.

Negotiations for peace had been opened in 1814 ; and commissioners representing the two Powers met at Ghent in August of that year. Each side at first put forward demands which the other considered impossible ; and, in the end, a settlement was only reached by tacitly ignoring the very issues which had caused the war, no doubt because peace with France in Europe had rendered them matters which no longer were of vital moment for Great Britain, and because it was important for her to have her hands free in order to exercise her full influence in the Congress of Vienna. The treaty signed on December 24, 1814, but not received in the United States until some weeks later, virtually re-established the *status quo*, with the provision that various disputes which had arisen as to the exact delimitation of the frontier should be referred to a joint commission, and, if this commission could not reach a decision, to foreign arbitration. A declaration was appended, binding both Powers to use their best endeavours for the suppression of the slave-trade.

The peace was certainly more satisfactory to the United States than to Great Britain, concluded as it was before the disaster at New Orleans had occurred. The United States had suffered far more than Great Britain in the war. Their naval victories, with the exception of the battles on the lakes, were of no strategic importance, and had little influence upon the issue. On land their forces failed to gain any decisive success, and at the best merely repulsed British attacks, though at New Orleans they inflicted terrible loss upon their adversaries. Their trade was destroyed, their exports having fallen from £22,571,000 — at which figure they stood in 1807 — before the Non-intercourse Act, to £8,026,000 in 1812, £5,813,000 in 1813, and £1,443,000 in 1814. No less than 1400 warships and merchantmen, flying the American flag, with 20,961 seamen, were captured by the British cruisers. These losses and the suspension of trade caused acute commercial and financial distress in the Union. A loan of £1,200,000, issued by the Federal government in July, 1814,

failed signally, only £500,000 being subscribed, and that at a discount of 20 per cent. In November of the same year the government failed to pay interest on its loans ; and in January, 1815, United States Six per cents. were at only 50 to 60. A financial crisis occurred in the Middle States during August, 1814 ; in New England sedition grew more and more formidable. Delegates from the New England States met at Hartford in December, 1814, and, while waiting for a British success at New Orleans as the signal for revolt, showed open signs of an intention to secede from the Union. Even the South, which had made the war, was lukewarm ; and Virginia failed to raise the force which the President had a right to expect of her.

On the British side the war was conducted with no great capacity, though, no doubt, this was due in part to the fact that attention was fixed upon the continent of Europe, even after Napoleon's fall. Twice, at least, great advantages were thrown away by armistices, with the object of patching up a peace. The navy was not skilfully employed ; and the failure to provide for the security of the Irish Sea and the English Channel was inexcusable. The importance of obtaining and holding the command of the great lakes was not perceived ; and, when the close of the war with France placed at the disposal of the government the pick of Wellington's army, this force was not used to the best advantage. The raid on Washington exasperated America ; the great force assembled in Canada during the later months of the struggle effected nothing. The one lesson of importance taught by the conflict was the power of a weak navy to inflict enormous damage upon a commercial State. Sixteen British warships and 1607 British merchantmen were taken by the Americans, while the loss of our flourishing trade with America was in itself a disaster, only matched by the heritage of bitterness which the war bequeathed.

CHAPTER XI

THE GROWTH OF THE NATION
(1815—1828)

THE bonfires, the bell-ringing, and the cannonading which welcomed the joyful news of the Peace of Ghent marked the dawn of a new and glorious era in the history of the United States. For two-and-twenty years past, the issues which divided parties, tormented Presidents and Congresses, and affected the whole course of events in America, sprang directly from the long wars abroad. From 1793 to 1815 the questions which occupied the public mind were neutral rights, Orders in Council, French Decrees, the Rule of 1756, impressment, search, embargoes, non-intercourse, non-importation, the conduct of Great Britain, the insolence of the French Directory, the X Y Z affair, the war with Great Britain, the triumphs, the ambition, the treachery of Napoleon. With the return of peace these issues disappeared. Napoleon was at Elba; the old rulers were back on their old thrones; old conditions in great measure returned; and the United States, free to turn its attention to its own domestic affairs, entered at once on a career of rapid development.

The questions which for twenty years to come occupied the thoughts of the people, broke up the old parties and produced new ones, and rose in time to be great national issues, were purely domestic in origin. The state of the currency; the use of the public lands; the building of roads, canals, and turnpikes at the expense or with the aid of the Federal government; the protection of manufactures; the treatment of the Indians; the authority of Congress to charter a national bank; the extension of slavery to the territory beyond the Mississippi; the authority of the Federal Courts; the right of a State to nullify an Act of Congress — these and many other issues of a similar nature now became the questions of the day. Just as diversity of opinion regarding the financial and the foreign policy of the government in the days of Washington and Adams parted the people into Federalists and Republicans, so diversity of opinion on these new issues destroyed old party lines, and replaced Federalists and Republicans by Whigs and Democrats.

The transition was, of course, gradual. First, the Federalists disappeared as a national party, and after 1816 never again nominated a candidate for the presidency. Then came "the Era of Good Feeling" as it was called, an era which opened with the inauguration of Monroe in 1817, and was in reality the transition period between the old and the new. The old issues were dead; the new were still sectional and had not risen to national importance; and during this period there was but one national party. So completely were the Republicans under control that in 1820 but one candidate, Monroe, was nominated for the presidency, and to him was given the electoral vote of every State in the Union.

Such complete harmony was of short duration, and on the day Monroe was a second time inaugurated (March 5, 1821) the "Era of Good Feeling" ended; the once omnipotent Republican party began to fall to pieces; rival and sectional leaders struggled for mastery; and in the election of 1824, Adams, Clay, Jackson, and Crawford, each a staunch Republican and each representing a section of the Union, were candidates for the presidency. No one of them received a majority of the electoral votes; and for the second time the duty of electing a President fell upon the House of Representatives. Adams was chosen; Clay became his Secretary of State; and from the union of the friends of these two leaders sprang, ten years later, the Whig party. The supporters of Jackson and Crawford, driven into opposition by the defeat of their leaders, formed in time the nucleus of the Democratic party.

To make it clear how these things came to pass, the story of the rise of the new issues and of the economic development from which they sprang must be told with some fulness of detail. A quarter of a century had now passed since the old Confederation fell to pieces and the States came under "the New Roof," as the Constitution was fondly called. In the course of these five-and-twenty years the material progress of the country was astonishing. The population had risen from a little less than four millions in 1790 to a little less than eight millions in 1815 The States had increased in number from thirteen to eighteen; and the area of the country had expanded from the Mississippi river to the Rocky Mountains and the shore of the Pacific Ocean.

The enormous trade enjoyed during the long war in Europe brought prosperity to New England and the commercial States. The demand in the West Indies for American lumber, grain, flour, and food products, brought wealth to the farming sections of the Middle States. The rise of cotton-planting in the South gave to that region a staple crop which, for a century to come, overshadowed every other form of industry, and powerfully affected the economic and political history of the country. Before the adoption of the Constitution, cotton, as a staple, had never been cultivated in the United States. But the repeated destruction of

the indigo plant in the South by insects led to the attempt to supplant indigo by cotton. The venture was successful; but the cost of cleaning the fibre of seeds by hand made it impossible to sell at a profit. At this juncture Eli Whitney invented the gin; and from that moment the prosperity of a new branch of industry was assured. In 1792, before the gin was invented, 192,000 lbs. of hand-cleaned cotton was exported. In 1795, after the invention of the machine, 6,000,000 lbs. found a foreign market. Year after year the acreage and the crop increased with astonishing rapidity, till, in 1894, one hundred years after Whitney received his patent, cotton amounting to nearly 7,000,000 bales of 500 lbs. each was grown in the planting States.

As the country grew in wealth and population, great improvements were made in the means of inter-State communication. The large rivers were bridged; thousands of miles of turnpike were constructed; and the great cities of the country were brought nearer together. When Washington was inaugurated at New York, the traveller spent two days in going from Philadelphia to New York and a week on the journey from New York to Boston. In 1815 such trips could easily be made in half the time. In 1807 Robert Fulton placed on the Hudson river the first practical steamboat the world ever saw. In 1815 steamboats were plying up and down the Hudson, the Delaware, the Ohio, the Mississippi, and on many of the bays along the Atlantic coast. In 1780 there were no banks in America; in 1791 only four were in existence; in 1815 they were to be found in every State. In the Eastern and Middle States manufactures had sprung up; and new means of earning a livelihood had been opened to tens of thousands of people. Whatever tended to abridge distance, facilitate communication, spread information, unite the country, had been so developed that the United States which fought the second war with Great Britain formed a nation very unlike the thirteen little republics that fought the War of Independence.

At the close of the second war the issue which pressed most urgently for settlement was the state of the currency. Under the Articles of Confederation and before the adoption of the Constitution, the currency of the country was made up of very heterogeneous elements — foreign coins which had come in through the channels of trade, or had been introduced by the troops sent over by France during the War of Independence; thirteen kinds of paper money or bills of credit issued by the thirteen States; some small change coined by a few of the States; and tickets of small denominations issued to meet a serious public need by churches, town treasurers, stage companies, ferry companies, and merchants. Under the Constitution the States were deprived of the power to coin money, or to issue bills of credit, or to make anything else than gold and silver legal tenders for debt. The duty of furnishing a uniform circulating medium now rested solely on Congress, and was performed in three ways — by authorising the Bank of the United States,

which was chartered in 1791, to issue notes not exceeding in amount $10,000,000; by establishing a mint and coining American money; and by making certain foreign gold and silver coins legal tender at specified rates for a short time. But the Bank put out no notes of small denominations; the annual coinage at the Mint fell very short of the needs of the country; and, had it not been for the rise of State banks and the action of corporations and individuals, the people would have been almost without money suitable for the transactions of the market and the shop.

The State banks, which increased from four in 1790 to eighty-eight in 1811, issued notes in denominations of one and two dollars; merchants, unincorporated associations, steamboat companies, ferry companies, private bankers, issued change bills, tickets, due bills, and promissory notes drawn for fractions of a dollar to serve as small change; and the money of the people thus became a paper medium which did not bear the stamp, and was not under the control, of the Federal government. In 1811 the charter of the Bank of the United States expired; and a re-charter was refused by Congress. Partly because of the struggle to secure its business and the government deposits, partly because of the lapse about the same time of the charters of scores of State banks, and partly because the westward movement of population had opened great areas of country in which no financial institutions were to be found, a mania for banks swept over the country. In three years the number rose from 88 to 208; and, as each put out notes, the circulating medium of the country became a paper currency which could not possibly be redeemed in specie.

Such was the condition of the currency, when, in the summer of 1814, a British army landed on the shore of Chesapeake Bay, marched to the city of Washington and burned the Capitol, the President's house, and the public buildings. That Baltimore would be next attacked was so certain that the banks in that city sent their gold and silver into the country, where it was buried; and, of necessity, specie payment on their notes was stopped. When news of this reached Philadelphia, the depositors rushed to the banks to demand specie and forced the banks of that city to suspend payment. The banks of other cities quickly followed their example; and in a few weeks not a bank in any seaboard State outside of New England was redeeming its notes in coin. Nothing in the nature of a uniform circulating medium passing at its face-value all over the country now existed; and business of every kind was paralysed. Specie small change having disappeared, resort was again had to small paper bills issued by merchants, tradesmen, manufacturers, stage-coach companies, even by towns and villages. Thus the city of New York issued $190,000 in one, two, and six cent notes, which were bought with bank-notes by the citizens and were receivable in payment of taxes by the city. The banks at New York and Philadelphia printed notes in

denominations of 6½, 12½, 25, and 50 cents; and the New York and New Jersey Steamboat and Ferry Companies did likewise.

When peace was proclaimed in 1815, it was supposed that specie payments would speedily be resumed. But 1815 passed and 1816 came without a bank showing any signs of resumption. Then Congress, in desperation, determined to exercise its powers to regulate the currency, chartered the second Bank of the United States as a regulator, and fixed a day in February, 1817, on and after which nothing but specie, or bank-paper convertible on demand into specie, should be received for duties, taxes, and debts due to the United States. These measures forced the State banks to resume. Specie again went into circulation, and, with the notes of the new Bank of the United States, formed a circulating medium which passed at its face-value in every State of the Union.

Congress next turned its attention to manufactures, for the protection of which urgent appeals had come from many States. The extraordinary development of commerce which followed the opening of the war in Europe had done much to retard the growth of manufactures. The demands for ships and cargoes to put into them, the ready markets for fish, lumber, flour, grain, cotton, and food products of every sort, had greatly stimulated the shipping and agricultural interests of the Eastern and Middle States and of Kentucky. The demand for cotton had already made it the staple of the Southern States; and, under the stimulus thus afforded by the long war abroad, capital, enterprise, and business energy had been drawn into commerce and agriculture rather than into manufacturing. So far had this gone that when, in 1806, it was proposed in Congress to cut off all intercourse with Great Britain, it was clearly shown that the people of the United States were so dependent on Great Britain for manufactures of prime necessity that such a measure would be ruinous. China, glass, pottery, hardware, cutlery, edged tools, blankets, woollen cloths, linen, cotton prints, and a hundred other articles of daily use came from Great Britain in such quantity that the value of each year's imports amounted to $35,000,000, and the duties paid on them to $5,500,000, or nearly one-half the entire receipts of the Treasury from customs.

In spite of these facts measures of retaliation soon became imperative; and when the Orders in Council and the Berlin Decree placed American ships and commerce under ban, the "long embargo" was laid; and in December, 1807, all trade with Europe and her dependencies was cut off. From that moment the encouragement of home manufactures became the duty of every patriotic American. The Embargo Act was not eight days old when the men of Baltimore organised the Union Manufacturing Company of Maryland. The Philadelphia Premium Society offered prizes for the best specimens of broad-cloth, fancy cloths for vests, raven duck, and thread in imitation of that made at Dundee. The

men of Richmond determined to set up a cotton-mill. At Petersburg a Manufacturing Society was organised; and the cavalry troop of that town voted to appear on the Fourth of July clad in white cloth of Virginia make. The Culpepper Society for the Encouragement of Domestic Manufactures offered prizes for the best pieces of home-made linen, cotton cloth, and woollen cloth. In the great cities the people formed associations, and pledged themselves to wear no garments of which the raw materials were not grown and the fabrics were not made in the United States.

From the people the enthusiasm spread to the legislatures of the States. In 1808 the Pennsylvania House of Representatives asked its members to wear none but American-made cloths. In Kentucky a like resolution passed the legislature. In Virginia the legislature fixed December 1, 1809, as the date on which its members should appear dressed in American-made clothes; and the example of these States was followed in Ohio, North Carolina, and Vermont. New Hampshire took off all taxes on cotton and woollen mills if their capital was between $4000 and $20,000. Pennsylvania laid a tax on dogs, and ordered the money to be used for the purchase of merino rams.

Thus stimulated, mills, factories, workshops, foundries, rope-walks, sprang up with surprising rapidity. From 1809 to 1812 the statute-books of the States exhibit unmistakeable signs of the progress of the industrial revolution. In New York 32 charters were granted to manufacturing companies in 1810 and 1812. The policy of protecting these rising industries by duties on imports was brought before Congress in 1809 by Kentucky, which had then become the great hemp-growing and hemp-manufacturing State in the Union. To ensure a basis of knowledge for intelligent action, Congress ordered that in the Census of 1810 the enumerators should gather statistics of manufactures. From the information thus collected it appeared that goods valued at $198,000,000 were manufactured annually in the United States.

The Non-Importation Act, the Non-Intercourse Act, and the war afforded protection of the strongest kind, diverted capital from ships and commerce to manufactures, and had brought them to a prosperous condition when peace opened the ports to foreign trade and competition, and threatened them with ruin. The manufacturers of Great Britain, well knowing the needs of the American markets, made haste to send over their goods, which, in the early summer of 1815, began to arrive in fleets of merchant vessels, in such quantities as had never before been known. Coming over consigned to nobody, the goods were hurried by the super-cargoes and captains in charge of them to the auction block, where, to the surprise of the owners, high prices were obtained by the sharp competition of eager buyers. A cargo of earthenware costing £1100 sold in Philadelphia for $12,000 — an advance of about 120 per cent. A cargo of salt and earthenware from Liverpool fetched $16

per pound sterling at New York. In one week the auction sales of British goods exceeded $460,000. During the same week the custom-house receipts from British goods at New York, Boston, and Philadelphia rose to $1,300,000. During April, May, and June, 1815, the duties paid at the New York custom-house on goods, wares, and merchandise brought from England amounted to $3,960,000.

When the news of the great profits and quick sales at auction reached Great Britain, whole fleets of vessels were loaded and despatched to America. On one day in November, 1815, twenty square-rigged ships came up the harbour of New York. On another day fifteen ships and eight brigs arrived; and what went on at New York was repeated at every seaport along the Atlantic coast. The gainers by this unusual trade were the British manufacturers, the British ship-owners, the auctioneers, and the Federal and State treasuries. The sufferers were the American importers, manufacturers, and wholesale merchants, who without delay appealed to Congress for protection.

The manufacturers of cotton cloth, in their memorial, assured Congress that unless all cotton fabrics made at places beyond the Cape of Good Hope were absolutely shut out and heavy duties laid on those brought from other lands, an industry which gave employment to millions of capital and thousands of hands would go down in ruin. The woollen manufacturers of Connecticut, New Jersey, Pennsylvania, and Delaware declared that, unless protected by a heavy *ad valorem* duty on woollen goods, investments representing $12,000,000 and a yearly production of $19,000,000 would be lost to the country.

The appeal was made at an opportune time, for the House in the last session of Congress had called on the Secretary of the Treasury to produce a plan for the revision of the tariff; and the Secretary, in his report, had made a strong appeal for the protection of home manufactures. He reminded the House that the United States had always regarded the establishment of home industries as an object of its policy; that the first Tariff Act under the Constitution had been expressly connected with the policy of protecting manufactures; that in 1790 Hamilton had reported on the subject; and that in 1810 a census of manufactures had been taken with a view to their protection. He declared that, mindful of all these things, he had, in framing the proposed new tariff, been careful so to adjust the duties as to encourage such manufactures as then existed. These, he said, could be arranged in three classes, comprising (1) those which had been long established and could fully supply the home market; (2) those which had been recently set up and could but partially supply the market; (3) those which were just being introduced and for which the country, to some extent, was still dependent on foreign sources of supply. To protect the first class he would impose prohibitory duties, for the second a protection tariff, and for the third a tariff for revenue.

The House sent the Secretary's report to the appropriate committee, and soon had before it a Bill in accordance with his suggestions. The debate which followed made it clear that the majority of the House was in favour of protection, but that the greatest diversity of opinion existed as to the amount necessary. Some members adopted an attitude friendly to manufactures as they then existed, but opposed to any policy aiming at the production of manufactures. Others held that protection should be limited to such articles of manufacture as were of absolute necessity in time of war, and of the first importance in time of peace. Others again favoured protection as a national policy designed to produce the industrial independence of the United States; while a fourth class objected to protection in any form. The result was the passage of an Act (1816) which established prohibitive duties on cotton and woollen cloths and foreign articles of which a full supply could be made at home, put a duty of 20 per cent. on articles of which a full supply could not be manufactured at home, and laid a tariff for revenue on a long list of articles consumed in large quantities but almost entirely made abroad. To establish protection as a permanent policy was not the purpose of the Act. It was provided, therefore, that after three years the duty on cotton and woollen goods should fall to 20 per cent.

The economic conditions which contributed so powerfully to the building up of manufactures were also instrumental in producing political changes of great importance. They brought about a period of business depression and hard times, threw tens of thousands of persons out of employment, turned the thoughts of men to the West where land was cheap and taxes nominal, and started a wave of migration from the seaboard to the Mississippi valley. When peace was made with Great Britain in 1783, and the United States was recognised as an independent nation, three-fourths of the country were not inhabited by white men. West of the mountains, in the Mississippi valley and on the shores of the great lakes, there were, indeed, a few outlying settlements; but the mass of the people lived on the Atlantic slope, across which from the earliest colonial times they had been slowly moving westward. Had the western frontier been defined in 1783, it would have skirted the coast of Maine, crossed central New Hampshire and northern Vermont, passed round Lake Champlain to the Mohawk valley, gone down the Hudson valley and over New Jersey and the mountains of Pennsylvania to Pittsburg, and, following the Alleghany Mountains to central Georgia, would have crossed that State to the sea. West of this line were a few outlying settlements in Kentucky and Tennessee, and at Kaskaskia and Vincennes and Detroit, still struggling outposts of civilisation in the heart of the Indian country.

The area of this inhabited belt was, in round numbers, 240,000 square miles; and on it dwelt, about the year 1783, a population of men, women, and children, black and white, slave and free, of less than

3,500,000. Yet sparse as the population was, a rage for migration had infected it. Commerce was almost gone; trade was dull; times were bad; many of the States owned western lands which they were trying to sell; and thousands of families, disposing of what little they had, gladly bade farewell to the East and hurried westward to seek new homes in the wilderness. Every small farmer whose barren acres were covered with mortgages or whose debts pressed heavily upon him, every young man whose roving spirit or love of adventure gave him no peace, was eager to quit his old home in the East and begin life anew in central New York, or in the yet more favoured region on the banks of the Ohio. Such was the rush to the Ohio country that, every spring and summer, hundreds of arks heavy with cattle and household goods went down that river from Pittsburg. One observer at Fort Pitt wrote home that during six weeks he saw fifty flat-boats set off for the new settlements. Another at Fort Finney saw thirty-four boats float by in as many days. The adjutant at Fort Harmer had taken pains to count the boats which went by between October, 1786, and May, 1787, and declared that they numbered 177 and carried 2700 souls. Another authority estimated that no less than 10,000 emigrants passed Marietta during 1788. When the first census of the population was taken in 1790, 73,000 persons were living in Kentucky.

In general, this movement consisted of three great streams pouring out of the three centres of population, the Eastern, the Middle, and the Southern States. One stream, made up of New Englanders, pushed up the Mohawk valley into central New York. A second, crossing Pennsylvania and Virginia, went down the Ohio and settled in Kentucky and on the government lands at Marietta and Cincinnati. Further south, a third stream from Virginia and North Carolina crossed the Blue Ridge Mountains and settled about the headwaters of the Tennessee. While emigration along these lines was at its height, a series of events occurred which powerfully affected it. The appearance of the little bands of settlers north of the Ohio in 1788 was followed in 1789 by an Indian rising, which aimed at the expulsion of all settlers north of that river. From 1789 till 1794, when Anthony Wayne broke the Indian power in the great battle at the rapids of the Maumee river, and gave peace to the frontier, little inducement existed to lure settlers into the North-west Territory. The second stream, therefore, went into Kentucky, which became a State in 1791; and the third stream into Tennessee, which entered the Union in 1796, when the North-west Territory was still scarce better than a wilderness.

The trading and commercial States, from which the first stream was moving out, had meantime begun to prosper greatly. The severe depression which followed the peace of 1783 passed rapidly away under the Constitution. The funding of the National Debt, the establishment of the National Bank, and the financial policy of the government in

general restored confidence and credit. The war between France and Great Britain, which began in 1793, was followed by the return of good times in the commercial States. The demand for ships and sailors, lumber, fish, and breadstuffs, caused by the opening of the ports in the French West Indies, gave employment to hundreds of thousands of people and checked the rush of emigrants westward. But in the Southern States the movement still continued; and when the century closed nearly 400,000 persons were living west of the Alleghany Mountains.

The early years of the nineteenth century sent another wave of population over the mountains. The peace in Europe from 1801 to 1803 brought back dull times on the seaboard. The trade with Europe and the West Indies fell off. The demand for American lumber, fish, and farm produce declined. The government was selling its land on credit; and so many emigrants went west that, in 1803, Ohio was admitted into the Union as a State. Then came the renewal of war in Europe, the opening of a greater trade than ever, and four years of wonderful prosperity. But the "long embargo" from 1807 to 1809 ruined trade and commerce; and though the rise of manufactures gave some relief to the unemployed, times again became hard. Men again sought the West; and, when the census was taken in 1810, more than one-seventh of the population dwelt in the States and Territories west of the Alleghany Mountains.

The commercial restrictions of 1810–12 and the second war with Great Britain swelled the stream of emigrants, which after 1815 became enormous. There was then no longer any great demand for American ships and sailors, or for the produce of American farms. Great Britain closed her West Indian ports to American ships, and flooded the markets of the United States with British manufactures. Business of every sort was ruined; the currency was in disorder; the few manufactures which had grown up since embargo days were seriously threatened; the ocean carrying-trade was passing into the hands of foreigners; and the country entered on a period of four years of the hardest times ever experienced.

A wild rush for the West now began; and from 1816 to 1820 the great western highways were choked with emigrants. By 1817 this emigration was at its height; and in the spring of that year families set out for the West from almost every city and town on the seaboard. The few that went from any one town might not be missed, but gathered on the great highways to the West they made an endless procession of waggons and travellers. On one of the western highways in New York 260 emigrant waggons passed a tavern in nine days, besides hundreds of persons on foot or on horseback. A gatekeeper on a Pennsylvania turnpike reported 2001 families as having passed between March and December, 1817, all bound West. At Easton, Pennsylvania, a town on the route from the Eastern States to Pittsburg, 511 waggons and 3000 persons were counted going West during one month. A traveller,

while on his way from Nashville in Tennessee to Savannah in Georgia, found the roads thronged with "movers" on their way to the cotton lands of Alabama.

Once on the frontier, the "mover," the "new-comer," the emigrant, would take up a quarter section (160 acres) of government land on credit, cut down a few saplings, make a "half-faced camp," and begin a clearing. The "half-faced camp" was a shed, three sides of which were made of tree-trunks, the fourth being left open. The roof was of bark laid on saplings. Here the settler would live till he had cut down enough trees to build a log cabin, which, in the course of time, would give way to a comfortable two-storeyed house. The clearing was made by grubbing up the bushes and cutting down the trees under a foot in diameter, and "girdling" the large ones by cutting rings around them deep enough to stop the sap and prevent the growth of leaves. If the settler were indolent, the girdled trees stood till they fell; if he were industrious, he cut them down as soon as he could. In the soil thus opened to the sun and rain he planted his crops.

Fed by this never-ending stream of emigrants, the West was transformed. Towns and villages sprang up with amazing rapidity; trade increased; and every affluent of the Mississippi became a highway of commerce dotted with "broad-horns," arks, flat-boats, rafts, and steamboats. In the East this movement of population was not visible to the eye; but, when the fourth census was taken in 1820, it was distinctly visible in the returns. Between 1810 and 1820 the population of New York City increased by less than 3600 souls. Philadelphia added no more than 12,000 to her numbers; Baltimore only 17,000; and Boston only 11,000. During the decade 1810–20 the population of Charleston increased by 80. In the State of Delaware the increase was 75: in the previous decade it had been 8000. In the New England States, during twenty years, population had increased but 35 per cent.; in the Middle States of New York, New Jersey, and Pennsylvania but 92 per cent.; while in the Western States of Ohio, Kentucky, and Tennessee the increase was 321 per cent.

The first result of this great exodus was the formation of five new States in the West, and the admission into the Union, within four years, of Indiana, Illinois, Alabama, Mississippi, and Missouri. Louisiana had been admitted in 1812; and these, with Ohio, Kentucky, and Tennessee, made nine States in the Mississippi Valley, and raised the number of States in the Union to twenty-four. The West now sent to Congress eighteen Senators and twenty-eight members of the House, and at the next presidential election in 1820 would be entitled to cast forty-six electoral votes. The West, in short, had attained its majority, and henceforth would have much influence in deciding the conduct of national affairs.

A second result of this "building of the West" was the establishment

there of State constitutions of an extreme democratic type. Property qualifications for the franchise, so prevalent in the East, were not required; and manhood suffrage was introduced. The power of the governor was increased; the power of the legislature was curtailed. Some of the new States abolished life-term offices; some prohibited imprisonment for debt; others provided that the estates of suicides should be divided among the heirs, as in cases of natural death; others made truth a good defence in suits for libel; others made population the basis of representation. In all these new States the rights of man as man were recognised; and the old distinctions in the East arising from the ownership of property were generally disregarded.

A third result of the rapid growth of the West was the rise into national importance of the question of internal improvements made at Federal expense. The West was now a great country by itself. Along the banks of its magnificent rivers and the shores of the Great Lakes dwelt more than a million of hardy, enterprising, and progressive people. Down these rivers — the Ohio, the Cumberland, the Tennessee, the Missouri, the Mississippi — were floated, on raft and flat-boat to New Orleans, pork and lumber, flour, grain, hemp, furs from the North-west, lead from Missouri, cotton, sugar, tobacco, and provisions of every sort. Before the days of steam, navigation up the rapid and winding Mississippi from New Orleans was all but impossible. The flat-boats, barges, rafts, and "broad-horns" were therefore sold for cash with their contents; and the money was brought back to Pittsburg or Wheeling, there to be expended in the purchase of the manufactures of Europe or the Eastern States. But now a score of steamboats, laden with the manufactures of the Old World obtained at New Orleans, ascended the Mississippi and the Ohio to St Louis, Cincinnati, Louisville, and Pittsburg. Commercially the West was no longer dependent on the eastern seaboard States; and the western trade of New York, Philadelphia, and Baltimore was seriously threatened. If this great trade was to be maintained, cheap communication must be had between the seaboard and the West. With this object, appeals were made to Congress for aid; and in 1817 a fund, consisting of the $1,500,000 to be paid by the National Bank as a bonus for its charter, and the dividends to be paid on the $7,000,000 of its stock owned by the United States, was set apart for the building of good roads and canals and the improvement of river navigation, and was to be distributed annually among the States on the basis of representation in Congress. But Madison, in the last hours of his term of office, vetoed the bill on constitutional grounds; and the attempt to pass it over the presidential veto failed.

The work of opening cheap communication with the West was, however, merely delayed, not prevented. New York at once began the digging of the Erie Canal, and finished it in 1825, thus joining the waters of Lake Erie with those of the Hudson river. Pennsylvania

appropriated $500,000 for the construction of roads and bridges; and Maryland, Virginia, and North Carolina appointed committees to prepare plans. The question of congressional aid to such undertakings became a national one; and from 1817 to 1832 no session of Congress was allowed to pass without the agitation of the question in some form or other.

A fourth result of the "building of the West" was a struggle with slavery. While the colonies were under the British Crown, slavery and the slave-trade existed in each one of them. But in those where no great staple such as rice or tobacco was grown, where, for climatic and economic reasons, slavery was not a profitable form of labour, and where the demand for skilled and unskilled labourers was fully supplied by "redemptioners" and "bondservants," the moral aspects of slave-holding aroused strong feeling; and repeated attempts were made to cut off the slave-trade and stop the source of supply. Every law enacted for the purpose, however, was disallowed by the King in Council; and slavery as an institution was forced on the colonies by the mother-country. The feeling against it, however, suffered no abatement; and, when the Revolution came and the colonies became independent States, the old attacks were vigorously renewed. Pennsylvania, Rhode Island, and Connecticut enacted gradual abolition laws. Vermont was never a slave-holding State. New Hampshire and Massachusetts became free soil by the interpretation of their constitutions; and when, in 1787, the Continental Congress framed the Ordinance of Government for the territory of the United States north-west of the Ohio river, slavery was excluded, and a magnificent domain was added to the Free-Soil area. In time, New York and New Jersey adopted gradual abolition laws, and by so doing made the southern boundary of Pennsylvania (the Mason and Dixon line) and the Ohio river the dividing line between the Free and the Slave States. The Republic, in fine, was almost equally divided into slave-soil and free-soil; and, as new States entered the Union, they were admitted alternately slave and free. By 1819, twenty-two were in the Union; and of these, eleven were slave-holding and eleven free. As each had two members of the Senate, that body then consisted of forty-four members; and the two great sections of the country were equally represented. In 1819, however, the legislature of Missouri besought Congress to cut off a piece of the Territory, authorise the people dwelling on it to form a State to be called Missouri, and admit it into the Union. The proposed State lay wholly west of the Mississippi river, and was part of the Louisiana Purchase, the soil of which had as yet been made neither slave nor free. Should the people of Missouri be left to do as they pleased, it was well known that they would form a Slave State. The Free-Soil members of Congress determined, therefore, that slavery should be prohibited in Missouri; members from the slave-holding States were equally determined that it should not be prohibited. The question

therefore came to be, whether slavery should be extended to the Louisiana Purchase, or not. During the session of Congress (1819) the struggle went on fiercely, till each side yielded something, and the famous Missouri Compromise was effected (1820). Missouri, it was then agreed, should be admitted as a slave-holding State. But in all the territory west of the Mississippi river bought from France and known as the Louisiana Purchase, and lying north of the parallel 36° 30′ (except in the State of Missouri), slavery was prohibited for ever. Maine, meantime, had applied for admission as a Free State. This was granted as part of the compromise. This made up the number of States in the Union to twenty-four, of which twelve were slave-holding and twelve free ; and the balance in the Senate was thus preserved.

When Louisiana Territory, thus parted into slave-soil and free, was acquired from France in 1803, no boundaries of any sort were fixed. The United States took up the position that, when La Salle, following up the discovery of the Mississippi by Marquette and Joliet, floated down the great river to its mouth and, standing on the shore of the gulf, named the country Louisiana and claimed it for France, he applied that name to the drainage basin of the Mississippi ; that when a year later he landed his band of settlers on the Texan coast and built Fort St Louis of Texas, he extended the authority of France half way to the nearest Spanish settlement, or to the Rio Grande ; that later settlements at Biloxi and Mobile carried the authority of France east of the Mississippi as far at least as the Perdido river ; and that, therefore, the Louisiana Purchase included much of West Florida, and all the country west of the Mississippi to the Rocky Mountains and the Rio Grande. Spain, on the other hand, denied that West Florida and Texas were included in the purchase. During twelve years no progress towards a settlement was made. On the overthrow of Napoleon, the return of Ferdinand VII to the throne of Spain, and the end of the war with Great Britain, negotiations were renewed ; and, after four years of diplomatic bickering, a treaty was signed in 1819. The United States abandoned all claim to Texas, agreed to pay the claims of her citizens against Spain to the amount of $4,500,000, and received the two Floridas, East and West. Spain, on her part, accepted as a boundary for her Mexican possessions a line which started from the Gulf of Mexico west of the Mississippi and passed northward and westward across the country to the shores of the Pacific.

While these negotiations with Spain were dragging on, difficulties of a serious nature had arisen between Great Britain and the United States. When the British Peace Commission at Ghent presented, in 1814, the list of topics for discussion, they surprised the Americans by stating that the liberty, so long enjoyed by American citizens, of fishing within British waters and drying and curing their catch on British soil was to be withdrawn. As defined in the third article of the Treaty of

Paris, the people of the United States were to continue to enjoy, unmolested, the right to fish on the Grand Banks and on all the other banks of Newfoundland, in the Gulf of St Lawrence, and at all places in the sea where the inhabitants of both countries used to fish in colonial times. American fishermen might also take fish of every sort on such portions of the coast of Newfoundland as were free to British subjects, and on all other coasts and in all other harbours, bays, and creeks of His Majesty's dominions in America. But the only places where fish could be dried and cured were the unsettled shores of the harbours, bays, and creeks of Nova Scotia, the Magdalen Islands, and Labrador.

From the signing of the treaty to the adoption of the Constitution the fishing industry steadily declined, till the average yearly earnings of each vessel were less than the annual cost. Under the Constitution, Congress came to the relief of the fishermen, and by bounties and annual allowances did much to revive the industry. The opening of the French West Indian ports in 1793 did more; and by 1800 British colonial fishermen were complaining that they were undersold by the Yankees. Unable to get help from the mother-country, the colonists took the matter into their own hands. In 1806 the Americans complained to Congress that their vessels were stopped, fired on, and searched; that they were forced to pay toll as they passed through the Gut of Canso; and, if they anchored in any bay, were made to pay light money and anchorage dues. From this competition the British were relieved by the "long embargo," the restrictive measures which followed, and by the war, which was hailed with delight by the fishermen of the Provinces. The war, they claimed, cancelled the Treaty of 1783. The liberty of fishing in British waters granted by that treaty was therefore a thing of the past; and in a memorial drawn up at St John's, the mother-country was urged never again to suffer foreigners to fish in colonial waters.

The Treaty of Ghent was silent on the matter of the fisheries. The colonists, therefore, believed that Americans were excluded; and in the summer of 1815 the captain of a British ship of war seized some American vessels while fishing off the coast of Nova Scotia, and wrote across the enrolments and licences of others the words, "Warned off the coast by His Majesty's ship *Jaseur*. Not to come within sixty miles." Complaint was made to the British government, which disavowed the act of the captain of the *Jaseur;* but Lord Bathurst declared that after 1815 no American fishing vessel would be allowed to come within one marine league of the shores of His Majesty's North American possessions, nor be permitted to dry and cure fish in the unsettled ports of those territories. A long discussion on the character of the Treaty of Paris followed. John Quincy Adams, the American Minister, laid down the doctrine that the Treaty of 1783 was of a peculiar character and was not annulled by a state of war. The treaty acknowledged the independence of the United States, and defined its boundaries; and, as these things

were permanent and could not be revoked, the treaty was permanent and could not be abrogated by a declaration of war. Lord Bathurst denied this. He knew of no exception to the rule that every treaty is abrogated by war between the parties. Whatever in the Treaty of Ghent was described as a *right*, *e.g.* the right to catch fish on the Banks of Newfoundland, was, like the acknowledgment of independence, irrevocable. But whatever was described as a *liberty*, *e.g.* the liberty to dry and cure fish on certain unsettled shores, was a concession granted by the treaty and perished with the treaty.

While negotiations dragged on, the fishing seasons of 1816 and 1817 came and went; and during each of them American fishermen were warned, seized, or driven from the forbidden waters by British ships of war. Matters had now come to such a pass that something must be done; and accordingly, in 1818, the American Minister proposed the immediate negotiation of a treaty for the settlement of the fisheries' dispute and other grievances of long standing. Among these were the northern boundary from the Lake of the Woods to the Pacific Ocean; and the respective claims of the two Powers to the Oregon country, which lay between the Rocky Mountains and the sea.

The treaty of 1783 had defined the extreme north-western boundary of the United States as a line running due west from the most north-westerly point of the Lake of the Woods to the Mississippi river, then supposed to rise in British America. To draw such a line was impossible; and by 1794 this fact had been so well established that the treaty then made with Great Britain promised a joint survey of the upper Mississippi, and the determination, if necessary, of a new line from the Lake of the Woods. But the survey was not made; and when, in 1803, Rufus King concluded a convention, it was stipulated that the boundary should be the shortest line from the Lake of the Woods to the river. But the convention was never ratified, and the boundary was still unsettled when Louisiana was purchased; when the possessions of the United States in the North-west were expanded to the Rocky Mountains; and when the Mississippi, as a boundary, disappeared. The next treaty was negotiated in 1806, and the 49th parallel of north latitude was accepted as the boundary from the Lake of the Woods westward "as far as the respective territories of the parties extend on that quarter." This treaty Jefferson refused to send to the Senate; so the boundary was still undetermined when the peace commissioners met at Ghent, and left the question where they found it.

Beyond the mountains lay the Oregon country, to which both Great Britain and the United States laid claim. The discovery and naming of the Columbia river by Captain Gray (1792); the exploration of the Columbia and its tributaries by Lewis and Clark (1804–6); the erection near the mouth of the river of the fur-trading port of Astoria (1812) — such were the grounds for the pretensions of the United States

to ownership and absolute jurisdiction, grounds which may be briefly stated as those of discovery, exploration, and settlement. Great Britain denied the claim of the United States to absolute jurisdiction, founding her pretensions on the discovery of Nootka Sound by Captain Cook (1778); the building of a small vessel in a harbour in the Sound in 1788; the fact that the persons who built the vessel resided in a hut on shore; the Nootka Sound Convention with Spain (1790); the discovery of the Frazer river by Sir Alexander Mackenzie (1792); and the establishment of a fur-trading post west of the Rocky Mountains (1806). She claimed the right of her subjects to navigate the waters of the Oregon country, to settle in it, and to trade freely with its inhabitants and occupiers; and she conceded the same rights and no others to the United States.

These disputes were shelved for a time by an arrangement made in 1818. As to the fisheries, it was agreed that citizens of the United States might for ever catch fish on certain parts of the coasts of Newfoundland and Labrador, and of the Magdalen Islands; and that American fishermen might for ever dry and cure fish on any of the unsettled bays, creeks, and harbours of certain parts of Newfoundland and Labrador; while the United States renounced for ever the claim of its citizens to take, dry, or cure fish within three miles of any other of the coasts, bays, creeks, or harbours of the British possessions in North America; and agreed that the fishermen of the United States should never enter any of these harbours, bays, and creeks for any other purpose than procuring water, buying wood, seeking shelter, or repairing their vessels. As to the northern boundary it was agreed that the line of demarcation between the British possessions in North America and the United States should be the 49th parallel of latitude, running from a point south of the Lake of the Woods to the summit of the Rocky Mountains; and that in the Oregon country, for ten years to come, the harbours, bays, and creeks, and the navigation of the rivers should be free and open to the vessels, citizens, and subjects of the two Powers. It was, in short, an agreement for joint occupancy, leaving undecided the claims of either party to absolute control of the country.

Trouble next arose with Spain over the delivery of the Floridas. Early in 1818, while the negotiations were still going on, Ferdinand of Spain granted to three Court favourites areas of land so extensive that it seemed likely that every foot of Florida, not already given away, had been alienated by the Crown. The King's intention seemed to be to deprive the United States of the ownership of the soil and to leave to that country nothing but the jurisdiction. Adams was determined to prevent this, and inserted in the treaty the words, "All grants made since the said 24th January, 1818, are hereby declared and agreed to be null and void." But when the treaty reached Madrid (in May, 1819), the King, on one pretext or another, put off the ratification. The six months' time-limit expired; and eight months elapsed before a minister appeared

at Washington to make an explanation. Adams was then informed that such a scandalous system of piracy had been carried on from the ports of the United States against Spain and her possessions, and such a spirit of hostility displayed, that His Majesty could not, with due regard to his honour, ratify the treaty till assured that these things would stop. He demanded pledges that no more armaments should be fitted out in the ports of the United States; that no more expeditions should be allowed to go forth to attack the dominions of Spain in the New World; and that the United States should not recognise the independence of the so-called South American Republics. The refusal of Adams to commit the government to any line of conduct regarding the rebellious colonies of Spain afforded an excuse for so much further delay that the treaty was not put into force till late in February, 1821.

Meantime, the true cause of Spain's procrastination became manifest. After the defeat of Napoleon at Waterloo and the entry of the Allies into Paris, the so-called Second Peace of Paris was signed by the representatives of the Four Allied Powers, Russia, Austria, Prussia, and Great Britain. On the same day (November 20, 1815) they signed a further agreement, based on the Chaumont Treaty of March 1, 1814, and upon the subsequent proceedings at Vienna. This Quadruple Alliance bound the Four Powers to exclude Napoleon for ever from the throne of France, to maintain the restored monarchy, to resist any attack on the army of occupation, and to meet at stated intervals in order to consult concerning the common interest and to take such measures as might best serve the peace and happiness of Europe. True to this pledge, the representatives of the Four Powers met at Aix-la-Chapelle in the autumn of 1818, and reviewed the events of the last three years. The Bourbon monarchy seemed so firmly established in France that the army of occupation was withdrawn. But in Spain matters had gone from bad to worse. During ten years her colonies in the New World had been in a state of revolt, first against Joseph Bonaparte, then against the Cortes of Cadiz, and, since the restoration of 1814, against the King. Every resource of the Crown had been used, and used in vain; and now that the last dollar had been drawn from the treasury, Ferdinand appealed to the Allies for help. They had restored him to his throne. Why not restore to him his colonies? Why not let the work of subjugation be done by Great Britain? But Great Britain was not at all inclined to destroy the lucrative trade she had built up with the Spanish colonies since 1808; and, as no aid could be had from her, the Russian government, through its active ambassador Tatistcheff, came to the relief of Ferdinand and placed at his disposal a fleet of warships. But, when the vessels reached Cadiz, not one of them was found to be in a fit ondition for crossing the Atlantic.

The expedition was put off (April, 1818); and six months afterwards Russia and France (the latter of whom had now been admitted into the Alliance of the Powers) brought the condition of affairs in Spanish

America before the Congress of Aix-la-Chapelle. But Great Britain's commercial interests prevailed on this occasion over her general willingness at this time to fall in with the policy of the Continental Powers; and the Congress declined to interfere. Left to herself, Spain made one more attempt at subjugation, just at the time when the Boundary Treaty was concluded at Washington. Should the attempt to reconquer her South American and Mexican colonies succeed it would be unwise to part with the Floridas. Ratification was therefore delayed; an army was gathered at Cadiz; and preparations were made to send it to America. Ere it could go, however, yellow fever broke out; the troops went into camp; and, while there, were won over to the cause of constitutional government by the agents of a great conspiracy against the King. On January 1, 1820, the troops rose and declared for the Constitution of 1812. Rebellion now spread far and wide; and Ferdinand in alarm promised to assemble the Cortes. But his people distrusted him, and on March 9, 1820, forced him to take an oath to support the Constitution.

Tidings of the collapse of absolute monarchy in Spain were received in the United States with unconcealed delight. That the people should look with indifference on the gallant struggle for liberty going on at their very doors was impossible. They were deeply concerned, and, as time passed, grew convinced that something more than the independence of a few colonies was at stake; that Spain was quite as eager to stamp out republican ideas as to put down rebellion; that, rather than see her fall, Europe would aid her; and that, if they succeeded in South America, it was just possible that the United States, whose example was the cause of so much political unrest, might be the next republic to feel their vengeance. The rising in Spain was therefore hailed as a blow at European interference; and the cause of the Southern Republics became more popular than ever. It found no truer friend than Henry Clay, Speaker of the House of Representatives. That the Republics should be recognised by the United States was his earnest wish. Towards this the House of Representatives could do little; but that little it did in May, 1820, by the passage of a resolution that it was expedient to provide a suitable outfit and salary for such Ministers as the President might send to any of the governments of South America which had established and were maintaining their independence of Spain. President Monroe did not act upon the resolution, for the treaty with Spain was still unratified; and he was determined to give Ferdinand no excuse for refusing to sign. But Clay was not to be turned from his purpose, and, in the next session of Congress, moved an appropriation for sending a Minister or Ministers to the South American Republics. When this was voted down, he moved a resolution expressing the sympathy of the people of the United States with the people of the Spanish provinces struggling for liberty and independence. By that time the Spanish treaty had been ratified by Ferdinand; the resolution could do no harm; and the House therefore passed it in 1821.

In Europe the struggle with liberalism was fast coming to a crisis. The revival of the Constitution of 1812 in Spain, in March, 1820, was followed by the enforced acceptance of a similar Constitution by the King of the Two Sicilies in July, 1820; and by the overthrow (in September) of the Regency in Portugal, the establishment of a Junta, and the election of a Cortes to frame a Constitution. Even France showed signs of revolt against absolutism, which so alarmed Louis XVIII that he called for a meeting of the Powers. In October, 1820, the Emperor of Austria, the Czar, the King of Prussia, an ambassador from Great Britain, and two envoys from France met in the little town of Troppau in Moravia. The British ambassador did nothing; the envoys of France were careful to take opposite sides, and so committed their country to nothing. But the three Eastern Powers called on the people of Naples to abandon their Constitution or fight, and framed a circular, a copy of which was sent to every Court in Europe. The events of March and July, said the circular, had produced a feeling of disquiet and alarm, and a desire to unite and save Europe from the evils ready to burst upon her. That this feeling should be strongest with governments which had lately conquered the Revolution, and now saw it again appearing triumphant was no more than natural. The Allied Powers had, therefore, decided to take common measures of precaution, and restrain such States as, having overthrown legitimate governments, were seeking to introduce their disorders and insurrections into others.

The decision to apply armed intervention having been reached, it was resolved to apply the new doctrine at once to Naples. The King was summoned to meet the Allies at Laybach in January, 1821. Thither, accordingly, the old King went, leaving his son to act as Regent, only to be told that unless the deeds of July were at once undone an Austrian army would occupy Naples. When these things were known at Naples, the Parliament assembled, and, considering the King to be under constraint at Laybach, bade the Grand Duke defend the State. A rush to arms followed; the old King abdicated; an Austrian army entered Italy, crushed the liberal risings in Naples and Piedmont, and in spite of his abdication restored Ferdinand to the throne. From Laybach went forth another circular, in which the world was told that henceforth all "useful or necessary changes in the legislature and administration of States must emanate alone from the free will, the reflecting and enlightened impulses, of those whom God had rendered responsible for power."

Thus committed to the extermination of popular government, the Allied Powers next turned their attention to Spain, and for this purpose agreed to meet at Vienna in 1822. In the United States meantime the cause of the South American Republics (Mexico, Colombia, Chili, Peru, and Buenos Ayres) became more popular than ever. President Monroe, who, so early as May, 1818, had proposed to his Cabinet that the United States should countenance no pacification short of the independence of the Spanish colonies, but had not taken any overt steps in that

direction, now took heart, and in March, 1822, recommended recognition. In this the House of Representatives gladly concurred, and without one dissenting vote appropriated $100,000 to meet the expense of sending Ministers. The Senate agreed, and on May 4, 1822, Monroe signed the Bill. In this way the United States recognised the independence of the South American Colonies of Spain.

In September the Allies met at Vienna, but soon adjourned to Verona, where in October, 1822, the affairs of Spain were carefully considered. Certain changes, it was agreed, should be demanded in the Spanish Constitution; and, if they were not made, a French army, supported, if necessary, by troops from Russia, Austria, and Prussia, should invade Spain. The demand was made and refused; the Ministers of the Allies left Madrid; and on April 7, 1823, a French army entered Spain. Then Canning, the British Foreign Secretary, began to act. He knew, as everybody knew, that when the Allies had restored absolute monarchy in Spain they would go on and attempt to restore to her the rebellious colonies in South America lately recognised by the United States as independent republics. Turning to the American Minister, Richard Rush, he asked if the United States would join with Great Britain in a declaration that, while neither Power desired the colonies of Spain for herself, it was impossible to look with indifference on European intervention in their affairs. Rush had no instructions, but he replied that the United States "would regard as highly unjust, and as fruitful of disastrous consequences, any attempt on the part of any European Power to take possession of the colonies by conquest, by cession, or on any other ground or pretext whatsoever"; and he promised to join in the declaration if Great Britain would first recognise the independence of the little republics. This Canning would not agree to; so the joint declaration was never made. When Rush's report of his conversation with Canning reached the Secretary of State and was shown to Monroe, the President was sorely puzzled how to act. He turned, therefore, for advice to ex-presidents Jefferson and Madison, and, encouraged by them, laid the matter before his cabinet. With its approval he announced in his Annual Message to Congress, on December 2, 1823, the three principles ever since known as the Monroe Doctrine.

The first related to the conduct of the Allies, and reads thus: "We owe it, therefore, to candor and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles

acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

The second announced the policy of the United States towards affairs in Europe, in these words: "Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is not to interfere in the internal concerns of any of its Powers; to consider the government, *de facto*, as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every Power, submitting to injuries from none. But, in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

The doctrine was to hold good for all time, and, put in plain language, was this: (1) The United States will "not interfere in the internal concerns" of any European Power. (2) "But, in regard to these continents [North and South America], circumstances are eminently and conspicuously different"; and, if any European Power attempts at any future time to extend its political system to any part of this hemisphere "for the purpose of oppressing" the nations or "controlling in any other manner their destiny," the United States will interfere.

The third principle was called forth by the claims of Russia to the north-western coast, and was stated as follows: "In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonisation by any European Powers."

In February, 1822, the Russian Minister, Chevalier de Politica, had placed in the hands of the Secretary of State a copy of an edict of the Emperor Alexander, which set forth that the pursuits of commerce, whaling, and fishing, and indeed of all other industries, whether on the islands or in the ports and gulfs of the north-western coast of America, from Behring Straits to 51° north latitude, were exclusively granted to Russian subjects. Foreign ships were, therefore, not to come within one hundred Italian miles of coasts or islands. So unexpected an attempt to define the limits of the Oregon country alarmed the President; and

Adams was instructed to demand the grounds on which the claim was based. He was told that the Russians had long maintained a settlement at Novo-Archangelsk in latitude 57°, and that latitude 51° was about half-way between that settlement and the mouth of the Columbia river. The restriction forbidding an approach to the coast was made to prevent foreigners carrying on illicit trade with the natives to the injury of the Russian American Fur Company. Adams protested against these doctrines; but the Russian Minister declined to discuss the question; and Monroe, in December, 1822, suggested to Congress that the time had come to think seriously of occupying Oregon. Congress refused to consider the question; and so the matter rested when Baron de Tuyl, the new Russian Minister, requested that the issue should be settled by negotiation at St Petersburg. The invitation was accepted; and, while Adams was preparing instructions, the Baron called one day at the State Department and was told that Russia's claim to a right to colonise the Pacific coast could not be listened to; and that both North and South America were closed to colonisation by European Powers because of the independent position the nations of the New World had assumed and maintained. The Minister dissented vigorously; but Adams stood firm. He reasserted the principle in his instructions to the American Minister at St Petersburg; and Monroe announced it in his famous message of December, 1823.

Great Britain meantime had protested against the imperial ukase, and had likewise been invited to negotiate for a settlement of the boundary issue. But, when it was found that the British envoy could discuss but could not settle the question, the American Minister offered 55° as the northern boundary of Oregon. Russia offered 54° 40′, which was accepted and embodied in a convention with Russia, signed in April, 1824. Great Britain in a convention with Russia in 1825 accepted the same line; and 54° 40′ became the boundary between Alaska and Oregon. In 1827, as the ten-year period of joint occupancy was drawing to a close, Great Britain and the United States, by a new convention, continued the agreement indefinitely.

The announcement of the principles which compose the Monroe Doctrine was hailed, both in Great Britain and America, with delight. The British people, press, and statesmen were loud in their praise of the firm stand that Monroe had taken against the Allies. "The question," said Brougham, "with regard to South America is now disposed of, or nearly so; for an event has recently happened than which no event has dispersed greater joy, exultation, and gratitude over all the freemen of Europe. That event, which is decisive of the subject in respect to South America, is the message of the President of the United States to Congress."

In America the interest aroused by the promulgation of the Monroe Doctrine was soon overshadowed by a hotly contested presidential election. No part of the Constitution gave less popular satisfaction

than the method of electing a President. As originally provided, each State was to appoint, in such manner as the State legislature might direct, as many presidential electors as it had senators and representatives in Congress. The electors were to meet in their respective States; and each was to write upon a ballot the name of two persons. A list of all names voted for and the number of votes for each was then to be made, and a certified copy sent to the President of the Senate, who, in the presence of the House and Senate, on the appointed day, was to open and count the votes. The person having the greatest number of votes (if a majority of the whole) was to be President of the United States; and he who received the next highest was to be Vice-president. Under this system the President was to be an official chosen and elected by sundry citizens having no connexion with the government, for no senator, representative, or office-holder may be an elector; he was to be eligible for any number of terms; and he was to enter upon his high office bound by no pledges, representing no section, and belonging to no party. He was to be the choice of fellow-citizens called from private life to act as electors without collusion, and perfectly free to vote for any duly qualified men they pleased.

So long as Washington consented to serve as President, the system of election worked well; but in 1796 he declined to serve a third term; and the first contest for the presidency took place. The Federalist electors gave all their votes for the office of President to John Adams, but scattered them so widely for that of Vice-president that their second candidate, Thomas Pinckney, fell twelve votes behind Adams. The Republicans agreed to vote for Thomas Jefferson, who was but three votes behind Adams, intervening between the two Federalist candidates, and was thus elected Vice-president. The defects of the system from the point of view of party government were now clearly illustrated. Pinckney was defeated because the Federalist electors had scattered their votes among many candidates instead of concentrating them on two. When the next election occurred, in 1800, both parties attempted to prevent the recurrence of such a defeat. Each Federalist elector was instructed to vote for John Adams, and all save one to vote for Charles C. Pinckney; and they implicitly obeyed. The Republican leaders at a private "caucus" selected Jefferson and Burr as their candidates, but failed to designate the man who should not vote for Burr. In consequence of this omission Jefferson and Burr received an equal number of votes — 73 each; and therefore neither was elected President. But, as this number exceeded by eight the votes cast for Adams, he was defeated. Consequently no President was chosen by the electoral colleges of the States. The duty of deciding whether Jefferson or Burr should be President thus devolved on the House of Representatives; and Jefferson was chosen.

The Constitution plainly needed amendment; and, before the election

of 1804 occurred it was altered by providing that each elector, instead of writing two names on one ballot without designating which was his choice for President, should cast two separate ballots, one for President and one for Vice-president. But the Republicans went a step further, and, at a "caucus" of Republican members of Congress, formally nominated Jefferson and George Clinton as their candidates. By so doing they deprived their party electors of all choice, required them to vote for these two men and no others, and thus reduced the electoral colleges to mere boards of registration. The custom of "caucus" nomination thus introduced was followed in 1808, in 1812, in 1816, in 1820, and, for the last time, in 1824. The Federalists, though hopelessly in the minority, continued to put forward candidates (selected in private "caucus" by free leaders) till 1816, when they ceased to be a national party, and never again named candidates. From the election of Monroe in 1816, therefore, there was but one great national party — the Republican. The old issues, growing out of foreign complications, disappeared with the peace of 1815. No domestic issues which could divide the people into two great parties existed; and, while they were growing up afresh, the Republicans formed the only national party. In 1820, therefore, Monroe had no competitor. He was the only candidate before the electors, and would have received every electoral vote, had not one elector thrown away his vote lest Monroe should be unanimously elected, an honour never conferred on any man save Washington.

With the second election of Monroe the Republican party began to go to pieces. The old leaders of Revolutionary days were now dead or in retirement. Among the active party leaders there was none whose services so overshadowed those of others as to point him out as the one man entitled to party support. The friends of each leader therefore rallied about their favourite; and, in the course of two years, five candidates representing the four great sections of the country and nominated by members of State legislatures, by mass meetings, and by the Congressional "caucus" were put before the public. These men were John Quincy Adams of Massachusetts, Secretary of State; Henry Clay of Kentucky, Speaker of the House of Representatives; Andrew Jackson, a citizen of Tennessee; John C. Calhoun of South Carolina, Secretary of War; and William H. Crawford of Georgia, Secretary of the Treasury, who was chosen by the Congressional "caucus."

The selection of these men is notable for many reasons. It meant the absence of great party issues; it meant a revolt against the old method of "caucus" nomination, a method now denounced throughout the country as "King Caucus"; it meant the assertion by the people of a right to have a voice in the nomination and election of a President, a condition which the framers of the Constitution never contemplated. In the first election (1789) eleven States participated. In four of these the people took part in the election of electors; but in seven the State legislatures

made the appointment, and the people had no part. During the five-and-thirty years that had since elapsed, political ideas had greatly changed. The property qualifications required of the voter in 1789, and the religious and property qualifications required of office-holders, had been swept away in whole or in part. The franchise had been extended; the number of nominative offices had decreased and that of elective offices had increased. Government had passed to the people; and, now that they chose their State officers, it was but natural that they should insist on electing the President. So great had been the change that, of the twenty-four States composing the Union in 1824, there were but six in which the legislatures appointed presidential electors, while in eighteen the people voted directly. The election of 1824, in short, marks the transition between the old way and the new. Henceforth "the will of the people," not that of the "caucus," was to decide who should be President.

The contest of 1824 resulted in another failure to elect. All factions agreed on Calhoun as the fit man for the Vice-presidency; and he was chosen by the electoral colleges. But neither Jackson, Adams, Crawford, nor Clay received a majority of the electoral votes; and the choice passed to the House of Representatives, which, according to the Constitution, was obliged to elect either Jackson, Adams, or Crawford; for, in such cases, only three names, and those the highest on the list, may come before the House. In those States where the people chose the electors, Jackson had received 45,000 more votes than Adams, and 106,000 more than Crawford. In the electoral colleges, the votes for Jackson exceeded by fifteen those given for Adams, and by fifty-eight those given for Crawford. Jackson was therefore clearly the people's choice; and, in the opinion of his followers, the House was in duty bound to elect him. This claim was the assertion of the new democratic idea, that the people had a right to choose their rulers; but it was not regarded by the House, which elected Adams President.

The country over which Adams was thus called to rule in 1825 was now more than ever before divided into the North and the South. Whitney's invention of the cotton-gin made cotton-planting profitable. The inventions of Hargreaves, Crompton, and Arkwright had stimulated the demand for cotton; and these two conditions combined—the existence of a market and the possibility of supplying it with ease and profit—made cotton-planting the chief industry of the South, absorbed the energy, enterprise, and capital of her citizens, and determined every economic condition. In the South the arts and sciences were little practised; great national resources were allowed to lie undeveloped; manufactures were neglected; and trade and commerce were suffered to pass into the hands of foreigners, in order that one sort of agriculture might flourish. The firm belief that none but black men could cultivate cotton fastened negro slavery on the South, shut out free labour, and

deprived the Southern States of all the blessings attaching to a condition of society in which all men, from the richest to the poorest, are striving for the betterment of their conditions.

The North, on the other hand, was the home of diversified industries. Land was being taken up; towns and villages were being founded, new cities built, old cities rebuilt; canals and turnpikes were in course of construction; steamboats were multiplying in number; the great coal-fields of Pennsylvania were developing; water-works and gas-works were established in the chief cities; manufactures were increasing at an astonishing rate; and trade and commerce were once more flourishing. In New Hampshire there were 60 cotton-mills, 300 tanneries, 200 bark-factories, and half a score of paper-mills. Vermont sent down the Hudson and Champlain Canal and the Hudson river to New York copper, iron, and wool. In Massachusetts there were 260 mills and factories, giving employment to $30,000,000 of capital. In Rhode Island there were 150 mills, affording a livelihood to 30,000 people. The people of New York made salt, iron, leather, glass, paper, woollen and cotton cloth; and those of New Jersey manufactured cotton cloth, iron, glass, porcelain, carpets, and linen. In Philadelphia there were 4000 weavers, and in one county some 157 mills and factories. Pittsburg was the manufacturing centre of the Mississippi valley. In 1820 the capital invested in manufactures amounted to $75,000,000, and the number of hands employed to 200,000. In 1825 the capital had increased to $160,000,000, and the number of hands to 2,000,000.

As new manufactures arose and old ones expanded, it was but natural that the demand for protection should be renewed, and that this demand should receive attention. But the struggle was a long one. A Bill introduced in 1820 passed the House, but was defeated in the Senate by the commercial and agricultural interests. The Bill of 1821 did not pass the House. In 1822 no Bill was considered. The Bill of 1823 perished in Committee of the whole House. In 1824 the House was flooded with petitions for and against a protective tariff. Anti-tariff men declared that Congress had no power to tax imports for any purpose except to raise revenue in order to pay the debts of the United States; that the rapid decline in the price of agricultural products in the South had produced an appalling amount of suffering; that many of the articles which it was proposed to tax could not be dispensed with by the South, and would have to be purchased at high prices in the North; that imports would decrease, the revenue fall off, and internal taxation become necessary. The policy of protection was, it was said, of British origin, and would entail on America what it had brought on Great Britain — pauperism, taxes, and debt. The protection of manufactures was unjust, unequal, and burdensome. The East and the North could manufacture, for those sections had capital, dense population, and free labour; but the West and the South were not in a position to follow

their example ; any increase in the tariff would therefore be, in effect, a tribute paid by the South to the North. Despite these arguments the Bill passed ; and protection as a policy was fastened on the United States.

For a while all went well under the new tariff of 1824. Money hitherto invested in ships and foreign commerce began to be withdrawn to erect cotton-mills and woollen-mills, and to build villages composed entirely of the homes of operators. But conditions not foreseen soon laid prostrate the wool and woollen cloth industries. Competition produced by the increase of mills at home and large imports from abroad brought down prices. The reduction of the duty in Great Britain on imported wool for a shilling to a penny a pound enabled her manufacturers to sell more cheaply than ever ; the evasion of the *ad valorem* duty on woollen cloth in American ports by false valuations enabled British exporters to break down the tariff ; the sales of imported goods in original packages at auction secured a quick market ; and by 1826 woollen manufactures were prostrate.

Massachusetts was then the chief seat of the woollen industry. In the autumn of 1826 manufacturers of woollens from all parts of New England assembled at Boston, and framed a memorial which was sent to each manufacturer of woollen goods in the United States. The remedy, they declared, was such an increase in the tariff as would secure protection. To obtain this, increase meetings must be held, committees of correspondence appointed, members of Congress interviewed, and delegates sent to Washington to urge the passage of a new Tariff Act. These things were done ; and in January, 1827, a Bill granting all that was asked passed the House, but was tabled in the Senate by the casting vote of Calhoun.

In the planting States the defeat of the Bill was hailed with delight. The planters declared that if the proposed tariff were needed to produce revenue they would willingly pay the duties, heavy as they might be. But they argued that there was no need of more revenue. The Federal treasury was full, and the national debt rapidly decreasing. The real purpose of the proposed tariff was to force capital into channels in which it could not naturally flow, and to produce a ruinous change in the pursuits of the Southern people. Of the 600,000 bales of cotton sold annually, two-thirds were sent to foreign countries, which sent in return almost every manufactured article used in the South. The duties contemplated would therefore fall with especial severity on the South, and were in the nature of a tax on the industry of one part of the country for the benefit of the manufactures of another.

As the autumn of 1827 wore away, these sentiments found expression in resolutions and memorials of public meetings. Senator Hayne of South Carolina told the Chamber of Commerce of Charleston that the rich manufacturers of the North originated the Bill, in order that they might secure a monopoly of the home market and enhance their profits ;

that the Woollens Bill would be revived in the next session of Congress; and that nothing but a firm remonstrance from the planting States could prevent the ruin of the South. The Chamber thereupon framed and sent to Congress a remonstrance declaring the proposed tariff to be unjust and unconstitutional, and warned Congress to give heed to the rising spirit of opposition. "Have you," said another memorial, "ascertained beyond the possibility of deception how far the patience of the people of the South exceeds their indignation, and at what precise point resistance may begin and submission end?" In the North, meantime, the growers of wool were waiting for action. State conventions were held and delegates chosen to attend a national convention which met at Harrisburg, Pennsylvania, in July, 1827. After a session of five days, the convention appointed a committee to draw up an address to the people, and adopted a memorial to Congress which was duly presented to the House of Representatives when that body met in December.

Memorials both for and against a revision of the tariff came pouring in from all sections of the country, together with resolutions of a very threatening kind from the legislatures of many States. Those from Rhode Island, Pennsylvania, and New York approved of revision, and called for adequate protection to the cotton, wool, hemp, iron, and flax industries. North Carolina declared that the use of the taxing power for any other purpose than revenue was a usurpation of authority by Congress. South Carolina took the same view. Georgia declared for a strict construction of the powers of Congress, and would "submit to no other." Alabama held that power to protect manufacturers had never been granted to Congress, had no limits, was dangerous, odious, productive of monopoly, tended to heap up wealth in the hands of the few, and spread poverty, misery, and vice among the many. Ohio and New Jersey were urgent for protection. Of fifty-seven memorials from the people, twenty-five favoured protection, while thirty-two were hostile.

Towards the close of January, 1828, a Bill was reported which it was expected would never pass. Indeed, it was carefully prepared to invite defeat, for in 1828 a President was to be elected; and each party, fearing to pass the Bill, sought to throw the odium of defeat on the other. But the Bill, with all its excessive duties on raw materials and imported manufactures, passed both Houses of Congress, and was accepted by the President. It has ever since been known as the "Tariff of Abominations."

CHAPTER XII

COMMERCE, EXPANSION, AND SLAVERY (1828—1850)

WHEN the passing of the Tariff Act became known in the South, angry protests and loud threats of resistance were heard. The ships in Charleston harbour flew their flags at half-mast. Anti-tariff meetings were held in South Carolina; and the governor was urged to summon the legislature in special session. Proposals were made to stop all trade with States whose representatives in Congress had voted for the Act, and for an anti-tariff convention of delegates from the planting States. From grand juries, from the muster-grounds, from Fourth of July meetings, from gatherings of all sorts came demands that the legislature should defend the rights of South Carolina.

In the midst of this excitement in the South the time arrived for the choice of presidential electors. The defeat of Jackson in the House of Representatives in 1825 was quickly followed by his renomination for the presidency by the legislature of Tennessee; and during three years a bitter personal campaign was carried on in Congress and before the people. The friends of Jackson insisted that the election of Adams was the result of a corrupt bargain by which Clay bound himself to use his influence in the House of Representatives to secure the election of Adams, and Adams bound himself in return to appoint Clay Secretary of State; that the sovereign will of the people had been disregarded by the House of Representatives; and that the "will of the people" must be vindicated. In their ranks were to be found all who were opposed to internal improvements at the Federal expense; all who believed the Tariff Acts to be oppressive, partial, and unconstitutional; all who believed the story of the corrupt bargain; all the great body of office-holders; and all who for any reason hated Adams or Clay. No great principle of national policy as yet bound them together; but the lack of such a bond was more than compensated by the belief that Adams stood for aristocratic principles of government, and Jackson for government by the people.

Political affairs were still further complicated by the rise of the most extraordinary political party that has yet appeared in American history

— the Anti-Masons. In 1826 William Morgan, a poor bricklayer in the village of Batavia, New York, announced his intention to publish a book revealing the secrets of Freemasonry. Batavia was then a frontier village inhabited by men of scanty education, little accustomed to think before they acted. To the local Masonic lodge Morgan's purpose seemed abominable; and attempts were at once made to get possession of the manuscript. When these failed, Morgan was imprisoned for a small debt. He was however released, but as he came out of the gaol about midnight he was seized, forced into a carriage, and carried across the State to a ruined fort on the Niagara river. There all trace of him disappeared; and to this day his fate is unknown. The man had been kidnapped; and his captors were punishable by law. But the people, in their excitement, instead of demanding the arrest and punishment of the individual offenders, turned their wrath against the whole Masonic body; and for this the Masons were largely to blame. Attempts to investigate the affair were obstructed by Masons in public office. When indictments were procured against four Masons, they pleaded guilty and so defeated all attempts to discover the fate of Morgan. Then the anger of the people rose high. Public meetings were held in all the western counties of New York; and resolutions were passed declaring Masons unfit for public office and charging them with putting allegiance to their society above allegiance to the State. At the spring elections of 1827 Anti-Masonic candidates were nominated in many places; and the people divided, politically, into Masons and Anti-Masons. To break off connexion with the Masonic fraternity now became the most popular act that a politician, a physician, a clergyman, or a small tradesman could perform. Anti-Masonic newspapers appeared in great numbers; and in the summer of 1828 a convention of Anti-Masons nominated candidates for the posts of governor and lieutenant-governor of New York. In the congressional districts Anti-Masons had already been named for Congress and the State legislature. In short, a new political party had arisen and seriously complicated political affairs in New York, which cast the largest electoral vote of any State in the Union.

The choice of presidential electors in the States did not then, as now, take place everywhere on the same day. Each State fixed for itself the date of election; and December came before the returns were all received. But before that time it was well known that Adams was defeated and Jackson elected. As was truly said, the election marked a great uprising of the people. It was not the mere expulsion from office of a man and a party, but a triumph of democracy, another political revolution, the like of which the country had not seen since 1800. Hundreds of thousands of voters sincerely believed that the country had been rescued from a real peril; that a corrupt and aristocratic administration, which encroached on the rights of the States, had been overthrown; and that the liberties of the people had been saved almost at the last gasp. In all the States

south of the Potomac river and west of Pennsylvania Adams failed to receive a single electoral vote. In all New England Jackson received but one. Politically the South and West were now arrayed against the East. The Middle States were, however, divided; for New York and Pennsylvania were carried by Jackson; and New Jersey, Delaware, and Maryland by Adams.

In South Carolina, meantime, resistance to the tariff of 1828 had come to a head. The political leaders, turning with one accord to the Vice-president, John C. Calhoun, urged him to prepare a memorandum on the subject to be considered by the State legislature in its winter session. Calhoun complied, and wrote for them what has ever since been known as the "South Carolina Exposition" of 1828. This famous document opens with the assertion that the Tariff Act of 1828 is unconstitutional, oppressive, and unequal; it states the reasons on which each of these charges is based, and then proceeds to discuss the right of the State to declare the Act null and void within her boundaries. The government of the United States, Calhoun declared, was formed by the States and not by the people. The Constitution is a compact or contract, to which each State is a party. Each State, therefore, has a right to judge for itself of any infraction of the Constitution by Congress; and, in case of a deliberate, dangerous, and palpable exercise of power not granted, has a right to interpose to stop the progress of the evil. How to use this power of interposition a State alone can decide. Interposition is, indeed, a last resort; but if, in the opinion of a State, it becomes necessary, the proper course for a State to follow is to call a convention in order to declare the Acts in question null and void and not binding on her citizens. This would force the Federal government to pause, and either to compromise or to submit the question in dispute to a convention of all the States. Should three-fourths of the States thus assembled in convention decide against the protesting State, a disputed power would be converted into an expressly granted power; and the aggrieved State would then have to submit or secede from the Union. Calhoun held that the Tariff Act undoubtedly presented a case calling for such interposition; but, considering that a great political revolution had taken place, and that Andrew Jackson would soon be in the presidential chair, he thought it would be well for South Carolina to withhold her veto till one more session of Congress had closed. So fully did the "Exposition" set forth the attitude of the leaders that the legislature promptly adopted it in the form of a report from the committee, and passed resolutions which were sent to the legislature of each State in the Union.

Nor was South Carolina alone in her opposition. In 1828 (December 20) Georgia addressed a long memorial to the anti-tariff States, and bade her governor, in the event of the failure of the present Congress, repeal or modify the tariff, and appoint delegates to meet a convention of the Southern States in order "to deliberate upon and devise

a suitable mode of resistance to that unjust, unconstitutional, and oppressive law." In 1829 Mississippi declared the tariff to be oppressive and impolitic, and advised resistance ; while Virginia resolved that the tariff was partial oppression on the people of the South, and ought to be repealed.

In 1830 Kentucky, Louisiana, Vermont, Ohio, Pennsylvania, and Delaware answered these resolutions, affirmed the constitutionality and expediency of the tariff, denied that it was oppressive, and opposed a repeal. Jackson gave his famous toast at the dinner on Jefferson's birthday, "Our Federal Union ! it must be preserved." A great debate took place in the Senate (1830) on Foot's resolution touching the sale of public lands, in which Hayne of South Carolina stated and defended the doctrine of nullification and secession ; and Webster enforced the national view of the Constitution, maintaining that it was not a compact between States, but an instrument of government "made for the people, made by the people, and answerable to the people."

In 1831 the South Carolina Nullifiers, abandoning all hope of relief from Congress or of aid from Jackson, began a campaign for the calling of a State convention to nullify the tariff. The people ranged themselves under the banners of two local parties — "The State Rights and Free Trade Party" (or the "Nullifiers"), and "The State Rights and Union Party." The failure of the Nullifiers to secure a two-thirds majority of each branch of the legislature in the autumn of 1831 prevented the calling of the convention ; and the issue went back to Congress to be thrashed out again on the floor of the House and the Senate. This time Congress gave way. In July, 1832, it amended the Tariff Act of 1828, removed the duties on a long list of imports that did not come into serious competition with American manufactures, reduced the revenue by many millions of dollars, and fixed March 3, 1833, as the day whereon the new tariff should come into effect.

The concession was a great one ; but the tariff was still protective, and to the minds of the people of South Carolina was a new defiance, a new act of oppression. Excitement now rose higher than ever ; and in the autumn elections the Nullifiers carried all before them and elected two-thirds of both branches of the legislature, which the governor at once called in special session. A State convention to nullify the tariff was promptly ordered. When it met in November, 1832, the Tariff Acts of 1828 and 1832 were solemnly declared null and void ; and February 1, 1833, was chosen as the day on and after which they should no longer be "binding on the State, its officers, or citizens." The President now defined his position and his duties in a long proclamation to the Nullifiers, which Hayne, who had just been inaugurated governor of South Carolina, answered in a counter-proclamation. Calhoun at once resigned the Vice-presidency, and was sent to the Senate in Hayne's place.

Jackson now asked Congress for authority to collect the tariff duties in South Carolina by force, if necessary; and his wishes were embodied in the Revenue Collection Bill — the "Bloody Bill," the "Force Act," as the Nullifiers called it; while Clay, to the amazement of his followers, introduced a new tariff bill. All existing duties, he proposed, should be reduced to an *ad valorem* basis of twenty per cent. Such as exceeded that rate were to be diminished gradually, one-tenth of the excess coming off in each of the years 1833, 1835, 1837, and 1839. One-half the remainder was to be removed in 1841, and the rest in 1842, when there would be a uniform tariff of twenty per cent. *ad valorem* on all dutiable goods. The struggle over each bill was long and bitter; but they were both passed, the one to satisfy the North, the other to appease South Carolina. While the debate on the Force Bill was going on, the day when nullification was to come into effect drew near; but the ordinance was suspended by a mass-meeting of Nullifiers at Charleston. Now that South Carolina had triumphed, the convention reassembled in March, 1833; the ordinance of nullification was repealed, and the Force Act nullified; and the first phase of the great struggle for State Rights passed into history.

Two days after the passage of the Compromise Tariff and the Force Act, Jackson was a second time inaugurated President of the United States. The election is memorable because the Anti-Masons for the first time placed a candidate in the field; because the candidates of each of the three parties were nominated by national conventions of delegates chosen by the people and not by the Congressional caucus or the State legislatures; and because the issue between the friends of Jackson and the friends of Clay was the re-charter of the Bank of the United States. The charter granted by Congress in 1816 was to continue for twenty years, and would not lapse till 1836. The Bank was the greatest financial institution of the country; it received and disbursed the revenues of the government, transacted the monetary affairs of the treasury abroad, had branches in the chief cities at home, provided the merchants with cheap exchange and the people with a uniform circulating medium, and did much to prevent an over-issue of paper money by the State banks which flooded the country with their notes. The political influence which such an institution might exert was apparent: and no sooner was Jackson inaugurated in 1829 than his party leaders endeavoured to force the Bank into politics on the side of the new Administration. The Bank resisted, and by so doing brought down upon it the wrath of the Jacksonian leaders, who found no difficulty in pushing the President into a long and bitter struggle which inflicted on the country great and unnecessary distress. Year after year, in 1829, 1830, and 1831, the President in his annual message denounced the Bank as unconstitutional, charged it with failure to regulate the currency, and questioned the safety of the government deposits. Year after year

committees of each House reported in favour of the Bank and against the President. But the renomination of Jackson in 1831 led Clay to believe that the question of re-charter should be decided at once. In the session of 1832 accordingly the Bank, much against its will, applied for a re-charter. A bill for that purpose was passed in each branch of Congress, and was promptly vetoed by the President. It could not be passed over the veto; and the issue thus raised went before the people in the presidential campaign. To Jackson his re-election appeared to be a definite instruction from the people to destroy "the monster"; and with this end in view, he informed his Cabinet, in September, 1833, of his determination to remove the government deposits from the Bank, and take all responsibility for the act. The official order for removal could, however, be issued by no one save the Secretary of the Treasury. The Secretary, William J. Duane, stoutly refused to obey Jackson's directions. He was instantly removed from office, and Roger B. Taney was appointed in his place. Then the order was issued; and collectors of the revenue were commanded on and after October 1, 1833, to make no more deposits in the Bank of the United States or any of its branches, but in such State Banks, and in such only, as the Secretary might designate.

The effect of this arbitrary and unnecessary order on the business of the country was disastrous. The government money in the Bank and its branches was to be gradually withdrawn to meet current expenses till no more of it remained. In order to meet the drafts promptly, the Bank was forced to call in loans, and to refuse to discount paper. The State Banks, fearing that the central Bank might call on them for a settlement of accounts, followed suit; and in a few weeks the business world had to face a money famine. All building operations stopped in the great cities; manufacturing establishments shut down; thousands of workingmen were thrown out of employment; and the price of money and exchange rose to a ruinous height. When Congress met in December, 1833, the Senate placed on its journal a resolution censuring the President for ordering the deposits to be removed, and refused to confirm the appointment of Taney as Secretary of the Treasury; while the people beset both Houses with petitions praying for a restoration of the deposits and an Act to regulate the currency. These "distress petitions," as they were called, numbered more than 600, were signed in some instances by from 5000 to 10,000 names, and came from mass-meetings, from members of various trades and occupations, from chambers of commerce, banks, the governing bodies of cities and towns, and the legislatures of many States. But the President stood firm; Congress took no action; and the deposits continued to be made in the "pet banks," — this being the name given to the State institutions designated as government depositories.

While the excitement aroused by the removal of the deposits was at its height, the spring elections came on in some of the States. The

friends of Clay now assumed the name of Whigs. They were contending, they said, against a government just as arbitrary, just as tyrannical, as that of George III against which their fathers had rebelled. It was time therefore to return to the principles and assume the name of the American Whigs of the Revolution. The suggestion was approved; and during the rejoicings which followed the triumph of the party in the spring elections the name came into general use as that of a distinct national party.

As time passed and it was seen that the deposits were not to be restored, that the great Bank was not pressing the small ones, and that the "pets" were ready to advance money on easy terms, confidence returned and the money famine passed away. But the end was not yet. A rage for State banking swept over the country. A host of new institutions with State charters sprang up to share the business once done by the Bank of the United States; the banking capital of the country increased from $196,000,000 in 1834 to $281,000,000 in 1836; and millions of additional bank-notes were put into circulation. Despite the biennial reductions in tariff rates, the revenue from imports steadily increased from $16,000,000 in 1834 to $23,400,000 in 1836; and, the national debt having been paid in full (January 1, 1835), a surplus began to roll up in the "pet" banks, which were instructed to lend it out on as easy terms as possible. Everything thus combined to make money cheap; and, being cheap, it was quickly borrowed and used in wild speculations of every sort. Cotton, city lots, town lots, imported goods, in short, almost everything that could be bought and sold, became a subject of speculation. But the article whose sale affected the revenues and contributed most to swell the surplus was government land. Before the year 1834 the annual sales of land had never amounted to $3,000,000; but in 1835 they rose to $14,757,000, and in 1836 to $24,877,000. In consequence of these abnormal receipts the surplus grew rapidly. In 1835 (October 1) it stood at $18,000,000; in 1836 (March 1) it was $33,500,000, and seven months later $41,500,000.

The two questions now before the Administration were how to prevent the further increase of the surplus, and what to do with that already accumulated. It was finally decided to distribute the annual sales of public land among the States, and to present them also with the existing surplus. To give it outright was held to be unconstitutional; but this difficulty was avoided by an agreement to deposit the money with the States, subject to recall at any time, after due notice, by the Secretary of the Treasury — a call which everybody knew would never be made. These two measures — the distribution of the land sales and the deposit of the surplus — were combined in one bill, which became law in 1836. From the surplus on the books of the Treasury on January 1, 1837, $5,000,000 were to be deducted, and the balance was to be deposited with the States in four instalments payable on the first days of January,

April, July, and October, 1837. The share of each State was to depend on the number of its representatives in Congress.

This decision gave rise to a host of difficulties. In many States the amount on deposit in the banks greatly exceeded their shares. This necessitated an actual removal of money from State to State. No bank in future was to have on deposit government money exceeding in amount three-fourths of its paid-up capital. But there were many banks which held government money far exceeding the amount of their capital. It therefore became necessary to transfer money from bank to bank. But the money to be thus moved was not in the banks; it had been lent out and largely used for speculation. As the first instalment, amounting to $9,367,214, was to be removed on January 1, 1837, the banks early in November, 1836, began to stop discounting, and called in loans; and, as this took place all over the country, a general liquidation of debts followed. No sooner was the first instalment removed than preparations were made for the second, which fell due on April 1, 1837. The distress grew more severe; and, when the day came, great business-houses in New York, unable to stand the strain, failed. In one week there were 98 failures; nine days later they reached 128; and before the end of the month all the large cities were in the same condition. The blame for this state of affairs was of course laid on the government; and at a meeting of merchants in New York a committee of fifty was appointed to go to Washington and urge Van Buren (who had succeeded Jackson on March 4, 1837) to call a special session of Congress for the purpose of stopping the distribution of the surplus. The President refused; and early in May the banks of New York City suspended specie payments. Those of other cities followed the example; and the country was soon in the midst of a grave financial panic. The President was now forced to yield. A proclamation was issued assembling Congress in special session; and that body took prompt measures to remedy the evil. The payment of the fourth instalment of the surplus was suspended; an issue of $10,000,000 in treasury notes was authorised, in order to enable the government to meet its obligations; and the time of payment of the merchant bonds was extended. The worst was then over; but a year passed before the banks redeemed their notes in specie.

It is now necessary to consider another issue, which in the course of fifteen years had grown to be a serious and troublesome problem, and was destined during the next quarter of a century to become the most portentous question that the people had ever been called on to settle. This issue was slavery. The story of the long struggle with it falls naturally into well-marked periods, in each of which certain phases were presented, discussed, and, it was supposed, settled for all time to come.

Between the opening of the War of Independence and the close of the second war with Great Britain, all the Eastern and Middle States save Delaware became free soil: slavery was prohibited in the

North-west Territory; the first law for the rendition of fugitive slaves was enacted; citizens of the United States were forbidden to engage in the slave-trade of foreign countries; subjects of foreign countries were forbidden to engage in the domestic slave-trade of the United States, or to use its ports to fit out slavers for trade with other countries; the authority of Congress to abolish, or in any manner meddle with, slavery in the Slave-holding States was denied; and after 1808 the importation of slaves into the United States was prohibited by law.

During the second period, which closed with the formation of the American Anti-slavery Society in 1833, the Missouri Compromise was adopted, and the possessions of the United States west of the Mississippi were divided between slavery and freedom; three Free and three Slave-holding States were admitted into the Union; the slave-trade was made piracy; the American Society for the Colonisation of Free Negroes in Africa was founded; the colony of Liberia was planted on the west coast of Africa; the attempt to change Illinois from a Free to a Slave-holding State was defeated; a host of journals devoted to the treatment of the slave problem came into existence; countless appeals, thoughts, pictures, brief views, remarks, sketches, letters, treatises, reports, bearing on some phase of slavery, were written and published; and numerous anti-slavery and colonisation societies were organised, chiefly in the Slave-holding States. Hostility to slavery, as a moral and political wrong, spread widely and grew in intensity. The people of the cotton-belt, regarding slavery as a domestic State institution, denounced the work of anti-slavery enthusiasts as fanaticism. The people of New England, bound to the Cotton States by ties of business interest, and having settled the issue in their own section, were indifferent. But in the middle belt of States, from Pennsylvania to North Carolina and from the Atlantic to the Mississippi, the friends of the black man were very active. Of 101 anti-slavery societies in existence in 1826, 95 were in this region. Of 98 societies auxiliary to the American Colonisation Society in 1828, 80 were in this same strip of country.

Such was the condition of the slavery issue when, in 1829, a negro named David Walker wrote, printed, and scattered over the South a pamphlet entitled Walker's *Appeal*. It was addressed to the free blacks, who were urged to make the cause of the slave their own; it censured the meekness and non-resistance of the blacks; and, in a third edition published in 1830, it went so far as to touch on the superiority in numbers and bravery of the blacks over the whites, and to advise an insurrection when the time was ripe. The effect was immediate. Copies found in the hands of negroes in Richmond (Virginia), in New Orleans, in Savannah, in Tarborough (North Carolina), were seized and formally transmitted by the governors of Virginia, Louisiana, Georgia, and North Carolina to their respective legislatures; and sharp laws against the free blacks were enacted by Georgia and Louisiana.

The excitement produced by Walker's *Appeal* had not subsided when the danger of writings of this sort was brought home to the slave-owners by a rising of slaves in Virginia — an outbreak known as "Nat Turner's Insurrection." It was quickly put down; and every negro concerned in it, together with many who were not, was hanged, shot, mutilated, or beheaded. The insurrection was at once attributed to negro preachers and "incendiary publications" such as Walker's pamphlet and the *Liberator*, a newspaper recently started at Boston by William Lloyd Garrison. To attack the *Liberator* now became habitual in all Slave-holding States. The corporation of one city forbade any free negro to take a copy of it from the post-office. A vigilance committee in another offered $1500 for the detection and conviction of any white person found circulating copies. The governors of Georgia and Virginia called on the mayor of Boston to suppress it; and the legislature of Georgia offered $5000 to any person who should secure the arrest and conviction of Garrison under the laws of the State. Undeterred by these attacks, Garrison gathered about him a little band of Abolitionists, and towards the close of 1831 founded at Boston the New England Anti-slavery Society, and in 1833, at Philadelphia, the American Anti-slavery Society. The mission of the Society was to labour for the abolition of slavery and the immediate emancipation of the slaves, and to carry on this work by organising societies, sending out orators, and enlisting the pulpit and the press, and by the circulation of anti-slavery books, pamphlets, newspapers, and pictures.

The slave-holders, on their part, made loud demands that the Northern States should suppress the Abolitionists by force. They insisted that Abolitionist orators should be imprisoned, their presses stopped, the circulation of their tracts prevented. Nor was the North heedless of their demands. Mobs broke up Abolitionist meetings, destroyed their printing-offices, and threatened their leaders with death. In Connecticut and New Hampshire schools which received negroes were sacked. In Utica, New York, Philadelphia, and Boston, disgraceful attacks were made on anti-slavery meetings. In Cincinnati the presses of an anti-slavery newspaper edited by James G. Birney were destroyed. Throughout the North friends of the South held meetings and condemned the proceedings of the Abolitionists. Yet the agitation went on with renewed energy; and the flood of anti-slavery tracts that poured over the South became greater than ever. Then a bold step was taken, and one night the post-office at Charleston was entered by a mob, and sacks of anti-slavery literature, which had come from New York by steamer and which the postmaster refused to deliver, were burned in the public square. The Postmaster-General approved this act; and Jackson, in his annual message (December, 1835), asked for a law "prohibiting under severe penalties the circulation in the Southern States, through the mails, of incendiary publications intended to

instigate the slaves to insurrection." This did not suit Calhoun, who presented a bill forbidding any postmaster knowingly to deliver to anyone a printed paper touching slavery in any State or Territory where such publications were prohibited by the State or Territorial law. A warm debate followed, and the bill was lost, as were others in many Northern State legislatures, prohibiting the printing of such documents.

Defeated in this attempt to destroy the freedom of the mails, the pro-slavery party next attacked the right of petition. Though Congress had no authority to abolish slavery in the States, it could do so in the District of Columbia, where, under the Constitution, it has absolute jurisdiction. The opponents of slavery therefore began, so early as 1830, to petition for the abolition of slavery and the slave-trade in the district. These petitions were received, sent to a committee, and never heard of more. But after 1833 the Abolitionists sent them in such a steadily increasing stream that in 1836 the House of Representatives, after a long and stormy debate, adopted a "gag" rule, which ordered that "all petitions, memorials, resolutions, or papers, relating in any way or to any extent whatever to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon." This rule remained in force for several years. Its effect was disastrous. The sacred right of petition had been assailed, and the cause of abolition helped forward. The petitions presented in 1835–6 bore 34,000 signatures. Those presented and dealt with under the "gag" in 1837–8 bore 414,000 names. Maine, Massachusetts, Vermont, Rhode Island, New York, Ohio, and Michigan censured Congress for refusing to receive the petitions; Connecticut repealed her "black code"; and a new political party arose among the people.

The men who joined anti-slavery societies, signed anti-slavery petitions, and contributed money to aid the cause, were chiefly members of the Whig, the anti-Masonic, and Democratic parties. In the hope of drawing them from their parties and inducing them to act together, the anti-slavery State conventions began, about 1838, to urge the formation of a national anti-slavery party, in order to put a presidential candidate into the field in 1840. The suggestion was well received; a national convention was called; delegates from six States attended; and in April, 1840, James Gillespie Birney and Thomas Earle were nominated for the offices of President and Vice-president respectively. No name was given to the new party till 1844, when it became known as the Liberty party.

The presidential campaign of 1840 was the most extraordinary that the country had ever known. The candidate of the Democratic party was Martin Van Buren. The nominees of the Whigs were William Henry Harrison, an ideal popular favourite, and John Tyler. As delegate to Congress from Indiana Territory in 1800, Harrison did

much to secure that liberal system of selling government land which laid the foundation of the Ohio Valley States. As governor of Indiana Territory in 1811 he won the famous battle of Tippecanoe and broke the Indian power. As a general in the American army during the second war with Great Britain, he was conspicuous in the defence of the North-west, and, leading his army into Canada, won the battle of the Thames, and recovered all that had been lost by Hull's surrender at Detroit. As a friend of Clay and minister to Columbia, he was among the first to feel the vengeance of Jackson in 1829, and had since lived in honourable poverty on his Indiana farm. For Van Buren to defeat such a candidate would have been difficult at any time. It was made more difficult by the popular discontent caused by the financial policy of Jackson, the panic of 1837 and the hard times of 1839 ; and it was finally made impossible by an ill-timed sneer of a Democratic journal, which remarked that Harrison would be more at home in a log-cabin than in the White House.

The Whigs had no platform ; but this sneer at Harrison's poverty gave them just the cry they needed. Nothing was dearer to the heart of the American people than the log-cabin. That humble abode, with its puncheon floor, its mud-smeared sides, its latch-string, its windows in which greased paper did duty for glass, was then, and had ever been, the symbol of American hardihood. It had been the home of the pioneers, the home of the commonwealth-builders ; and round its hearth had been reared millions of men and women then living. No insult could have been more galling than this sneer at the early home of the makers of the nation. The log-cabin at once became the Whig symbol. On vacant lots in every city and town of the North, on ten thousand village greens, the cabin, with a coon-skin on its wall, the latch-string hanging out in token of welcome, and a barrel of hard cider close beside the door, became the true Whig head-quarters. Mounted on wheels and occupied by speakers, it was dragged from village to village. Log-cabin raisings, log-cabin meetings, medals, badges, almanacs, songs, pictures, were everywhere to be seen. Mass-meetings were held, at which enormous numbers of people were present. Weeks were spent in getting ready for them. In the West, men came in covered waggons, camped on the ground, and for days listened to stirring harangues. At Dayton, Ohio, 100,000 people attended, and covered ten acres of ground. In the Whig prints Van Buren was stigmatised as an aristocrat ; and the White House was represented as a gilded palace with damask sofas, satin chairs, porcelain vases, magnificent chandeliers, and golden spoons. Harrison was the poor man's candidate, the plain American living in a log-cabin, the simple farmer of North Bend. These things told powerfully on the voters ; and, when the election was over, the Whigs had swept the country and elected Harrison and Tyler. In the great popular excitement the new anti-slavery party and its candidate were forgotten. Yet

it is significant that, despite the commotion, 7300 votes were cast for Birney.

Harrison was inaugurated on March 4, 1841, and died in the following April. John Tyler then became President, and began an administration memorable for his quarrel with the Whigs, the negotiation of the Webster-Ashburton Treaty, and the annexation of the slave-holding Republic of Texas. The inauguration of Harrison was quickly followed by a proclamation calling a special session of Congress to carry out the reforms to which the Whig orators had pledged the party. But, when Congress presented the new President with a bill to charter a great national bank, to be called the Fiscal Bank of the United States, Tyler sent it back with his veto. The Whigs were furious and the Democrats delighted. But Tyler well knew the seriousness of the situation, and authorised the Secretary of State and the Secretary of the Treasury to confer with the leaders of the Senate and the House about the details of a new bill. An institution described as the "Fiscal Corporation" was accordingly planned; and the bill to create it was passed rapidly through both Houses. Again the President interposed his veto. The same night all the members of the Cabinet save Webster, Secretary of State, met at the house of the Secretary of the Navy and agreed to resign one after another on Saturday, September 11. As Congress was to adjourn on Monday, the President would thus be forced to find a new Cabinet between Saturday and Monday. But Tyler was equal to the emergency, and, when Monday came, sent to the Senate the names of five Jackson Democrats as Secretaries. Webster alone retained his place. The Whig members of Congress now read Tyler out of the party, and in a manifesto denounced the President for having disappointed the just expectations of those who had elected him.

A sincere desire to serve his country kept Webster in the Cabinet after his colleagues had resigned. Many grave questions, some of long standing, between Great Britain and the United States, were pressing for settlement. After fifty-eight years of discussion the north-eastern boundary of Maine was still undefined; and the people of that State were in such a frame of mind that, according to the governor's report, the settlers along the border could with difficulty be kept from collision with the British. The destruction of the steamer *Caroline*, the arrest of McLeod for participation in that affair, the assumption by the British government of all responsibility, and the demand for the release of McLeod, had so excited the people in western New York that it seemed quite likely that troops would be needed to keep the peace along the border. The recent assertion of the right to search American ships supposed to be engaged in the slave-trade revived an old question, once a cause of war; while the liberation of slaves thrown on the coasts of the British West Indian islands by the perils of the sea, or brought thither by force, and the belief that Great Britain desired to purchase

California, retain Oregon, and meddle in the affairs of Texas, inflamed the South and made the annexation of Texas and war with Mexico, should this appear unavoidable, more popular than ever.

Dark as was the prospect for peace when Webster took office in 1841, a great change for the better had since occurred. Lord Melbourne's Administration had been beaten in the House of Commons; he and his colleagues had resigned (August, 1841); and Lord Palmerston had been succeeded by Lord Aberdeen as Secretary of Foreign Affairs. Shortly afterwards, Edward Everett, who had succeeded Stevenson as Minister, reported to his government (January, 1842) that Lord Ashburton had been appointed to visit Washington in order to settle all questions in dispute between Great Britain and the United States. The details of the negotiation which led to the famous treaty that still bears the name of the distinguished negotiators need not be reviewed. It is enough to say that a compromise line was agreed on for the north-eastern boundary of Maine; that each nation agreed to keep on the western coast of Africa a squadron of at least eighty guns to act in concert for the suppression of the slave-trade; and that Webster did not, as he said, "leave the question of impressment where he found it." In a strong letter to Lord Ashburton he announced that "in every regularly documented American merchant vessel, the crew who navigate it will find their protection in the flag which is over them"; and that "the American government is prepared to say that the practice of impressing American seamen from vessels cannot hereafter be allowed to take place." The discussion respecting the *Caroline* affair led to the stipulation for the delivery to justice of persons who, being accused of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the territories of either Power, shall be found within the territories of the other. This, in the opinion of Webster, was the best part of the treaty. "I undertake to say," he remarked when defending his work before the Senate in 1846, "that the article for the extradition of offenders, contained in the treaty of 1842, if there were nothing else in the treaty of any importance, has of itself been of more value to this country, and is of more value to the progress of civilisation, the cause of humanity, and the good understanding between nations, than could be readily computed." An example was set which was quickly followed; and in a few years treaties containing similar provisions were negotiated between the United States and the Powers of Europe, and between the European nations themselves. The treaty once concluded and ratified by the Senate, even the friends of Webster as well as his party demanded that he should leave the Cabinet; and in 1843 he resigned. Upshur, a Democrat and an ardent pro-slavery man, was then made Secretary of State; and the President turned all his energies to the annexation of Texas.

During the early part of the nineteenth century the old Spanish

province of Texas had a separate political organisation; but in 1824 the Constituent Congress of Mexico united it temporarily with the State of Coahuila, under the solemn promise that it should become a State of the Mexican Confederation so soon as circumstances would permit. About the same time a large and increasing number of citizens of the United States settled in the country. The abolition of slavery in Mexico in 1829, the exclusion of settlers from the United States in 1830, the military occupation of the province, and the arbitrary and extortionate government of the Mexicans, led the people in 1833 to desire separation from Coahuila, and to request the admission of Texas as a State into the Mexican Confederation. The refusal of this request and the military despotism set up by Santa Anna were followed in 1836 by a declaration of the independence of Texas, which led to civil war, the bloody and cruel massacres of Goliad and of the Alamo, and the defeat and capture of Santa Anna by the Texans in the battle of San Jacinto (April, 1836). In the following year Texas was recognised as an independent State by the United States; and its example was subsequently followed by Great Britain, France, and Belgium.

A formal application was now (August, 1837) made by Texas for admission into the union of the United States. Against this proposal eight States protested; Van Buren would not hear of it; and so the matter rested when Harrison died and Tyler became President. Tyler was an ardent annexationist, and, when in 1842 the Texan minister renewed the proposal for annexation, would gladly have accepted the tender; but Webster opposed it, and a second time the United States declined the proposition. On the resignation of Webster in the spring of 1843, Secretary Upshur at once made ready to carry out the wishes of the President, and in October, 1843, informed the Texan minister that the government of the United States was ready to negotiate a treaty of annexation whenever he should receive the proper powers. The immediate cause for this offer was a rumour that an agent of the Abolitionists of Texas had proposed to Lord Aberdeen that a company should be formed in England to buy the slaves, receiving in return Texan lands; and that the proposition had been well received. It was believed that Great Britain was using her influence to persuade Mexico to acknowledge the independence of Texas, on condition that slavery was abolished; and certain remarks of Lord Aberdeen in Parliament were construed to mean that negotiations for that purpose were going forward. When these things were brought to the attention of the British government, all desire or intention to establish any dominant influence in Texas was disavowed; and the United States was assured that, much as Great Britain desired to see slavery abolished in Texas, as elsewhere, she would not unduly interfere, nor seek, by any improper assumption of authority, to coerce either party. She would give advice, but do nothing more.

To the surprise of Upshur, the offer of a treaty was at first declined by Texas; but in January, 1844, the question was asked, whether, if the offer were accepted, the United States would protect Texas against attack before the treaty was ratified? Upshur made no answer; but the American agents in Texas, when asked the same question, answered yes; and the next day an envoy was sent to the United States, with full powers to frame a treaty of annexation. Before his arrival, Upshur was killed by the explosion of a gun on the U.S.S. *Princeton;* and John C. Calhoun became Secretary of State. The treaty now went rapidly forward. On April 12, 1844, the instrument was signed; ten days later it was sent to the Senate; and the question of annexation was forced into the presidential campaign.

Neither of the prospective candidates desired such an issue. Indeed, both Clay and Van Buren, in letters published in the newspapers, declared themselves opposed to annexation at that time, on the ground that its constitutionality was doubtful, and that it was sure to bring on war with Mexico. But the Democratic National Convention which assembled in May rejected Van Buren and nominated James K. Polk, and in its platform declared for the "re-annexation of Texas and the re-occupation of Oregon at the earliest practicable period." The Whigs nominated Clay, and said nothing about Texas or Oregon. The Liberty party chose for their leader James G. Birney. Scarcely had the news of the nomination of Polk spread over the country when the Senate rejected the treaty (June, 1844), chiefly because many members did not believe that annexation could be accomplished by treaty. Congress, says the Constitution, may admit "new States" into "this union" — words that were interpreted to mean that Congress, and not the treaty-making power, viz. the President and the Senate, may admit States. Tyler now appealed to the House of Representatives to take such steps as might be necessary; but the House did nothing, and the issue was left to be settled by the people. The contest in any event would have been close; but Clay's letter drove great numbers of Whigs into the Liberty party, lost him the electoral votes of New York and Michigan, and gave the election to Polk.

This triumph of the Democrats was hailed by Tyler with delight; and, in his annual message of December, 1844, he asserted that a "controlling majority of the States" had declared for immediate annexation; that both branches of Congress had been instructed; and that, in his opinion, measures should be taken to carry out the will of the people. That the Senate would consider itself instructed, and that two-thirds of the members would approve a new treaty of annexation, was far from likely. The House of Representatives therefore passed a joint resolution annexing Texas, with the proviso that in such State or States as should be made from territory north of 36° 30′ slavery should be prohibited. To this the Senate, after a long debate, added an

amendment giving the President the option of submitting to Texas the joint resolution or opening a new negotiation for annexation by treaty. Tyler chose to offer annexation under the joint resolution; and on March 3, 1845, a messenger was accordingly despatched to Texas. The Texan Congress adopted the resolution in June; a convention of the people ratified annexation in July; and in December, 1845, Congress formally admitted the State of Texas into the Union.

The Mexican government had repeatedly informed the United States that the annexation of Texas would be regarded as a declaration of war. No sooner therefore did the joint resolution pass than the Mexican Minister asked for his passports and left Washington. The Mexican Minister of Foreign Affairs, on hearing of the resolution, dismissed the American Minister; and in March, 1845, all diplomatic relations were severed. In the following June, General Zachary Taylor was ordered to march from New Orleans to the mouth of the Sabine river, a part of the boundary line between Texas and the United States. On July 30, 1845, Taylor was instructed to occupy and defend Texas so far as it was occupied by Texans; and in August the army of occupation camped at Corpus Christi on the Nueces river, across which the jurisdiction of the Republic of Texas had never extended. An Act of the Texan Congress had indeed (December 19, 1836) declared the Rio Grande from its mouth to its source, and a meridian from its source to degree 42 of north latitude, to be the western boundary of the Republic; but between the Nueces and the Rio Grande was the Mexican State of Tamaulipas; and above this and bounding Texas on the west and northwest were Coahuila, Chihuahua, and New Mexico. At Corpus Christi Taylor remained till March, 1846, when, in obedience to orders, he crossed the Nueces and stood on Mexican soil. A march of seventeen days brought the army to the east bank of the Rio Grande, where Taylor pitched his camp, built Fort Brown, and trained his guns on the public square of the Mexican town of Matamoras on the western bank of the river. On April 11 General Ampudia entered Matamoras with 2500 men, and notified Taylor to break up his camp within twenty-four hours and retire behind the Nueces. Taylor replied that he was under the orders of his government; and that, if Ampudia crossed the Rio Grande, the act would be considered that of an enemy and as such would be resisted. Twenty-seven miles east of the American camp and on the shore of an inlet from the Gulf of Mexico was Point Isabel, where Taylor had established a depôt of military supplies for the army of occupation. Hearing that bodies of Mexicans had crossed the river above and below Fort Brown, Taylor at once sent out a squadron of dragoons in each direction to reconnoitre. The squadron sent below the camp reported no enemy in sight, but that which went above was surprised, surrounded, and captured (April 23).

In this condition of affairs an officer rode into camp, reported the

enemy to be in force near Point Isabel, and gave the number as 1500 men. Taylor, leaving the camp with orders to defend it to the last, hurried with 600 men to the relief of Point Isabel, and reached it without finding the enemy on the way. But no sooner did General Arista, who had succeeded to the command of the Mexican army, hear of the departure of Taylor than he marched to Fort Brown and opened the attack. During seven days the little garrison held out manfully, when the enemy raised the siege and retired.

After reaching Point Isabel, General Taylor collected a train of provisions, ammunition, and cannon for Fort Brown, started on his return (May 7), and camped the first night some seven miles from Point Isabel. On the morning of the 8th the march was resumed; and about noon, while at the water-hole of Palo Alto, the Mexican army was discovered drawn up across the plain. Though greatly outnumbered, Taylor attacked at once, drove the Mexicans from one position to another, and, when the sun went down, was master of the field. Following up this victory, Taylor on the next afternoon met the enemy well posted at Resaca de la Palma, beat him a second time, and forced him to raise the siege of Fort Brown. Taylor now crossed the Rio Grande and captured Matamoras.

While these events were happening on the Rio Grande, Taylor's despatch announcing the surprise and capture of his reconnoitring party reached Washington, and was formally announced to Congress in a message (May 11, 1846) in which Polk declared that war existed by the act of Mexico herself. Authority was at once given to the President to call for 50,000 volunteers; $10,000,000 were appropriated for war expenses; and General Kearny was sent to capture Santa Fé, which lay east of the Rio Grande in the Mexican State of New Mexico, but within the boundary of Texas as claimed by her when a Republic. Kearny entered the city without firing a shot, took possession of all New Mexico in the name of the United States, proclaimed the inhabitants citizens of the United States, and gave them a temporary civil government. From Santa Fé Kearny now set out to conquer California; but on the way (October 6) was met by the news that the conquest had already been completed by Colonel John C. Frémont and Commodore Stockton.

In the spring of 1845 Frémont had been despatched on his third expedition for the exploration of the West, with orders to examine the Great Basin, and find a short route from the base of the Rocky Mountains to the mouth of the Columbia river. Aware of the strained relations between Mexico and the United States, Frémont took care, when he reached California, to assure the governor of his peaceful intentions and to obtain leave to pass the winter of 1845–6 in that country. Permission was granted; but soon afterwards he was ordered to quit the country or take the consequences. Disregarding these orders, he went slowly up the Sacramento valley, and had reached Oregon, when, in May, 1846,

he was overtaken by a messenger from Washington bearing verbal orders to return to California. There he aided the American settlers in their revolt against the governor, encouraged them to proclaim California an independent republic, and assisted Commodore Stockton in his conquest of the country.

General Taylor had meantime remained at Matamoras, preparing to march against Monterey, the capital of the State of New Leon, and a strongly fortified city. In September all was in readiness; and, leaving Matamoras, Taylor laid siege to Monterey. He stormed the walls, and forced Ampudia to surrender the town, but allowed him to withdraw with his troops. Taylor then began preparations for a vigorous winter campaign, and was engaged in concentrating his forces for that purpose, when General Winfield Scott arrived at the Rio Grande and drew from him so many officers and men that he was obliged to abandon the campaign and stand on the defensive. Santa Anna, who in December, 1846, had been elected Provisional President of Mexico, now gathered a force of some 20,000 men, and in February, 1847, set out for Saltillo, where a part of the American army was stationed under General Wool. Apprised of this intention, Taylor hastened to join Wool, and then, advancing towards Santa Anna, took up his position in a narrow defile in the mountains directly facing the *hacienda* of Buena Vista. There, on the morning of February 23, 1847, Santa Anna, with an army five times as numerous as that of the American General, opened the attack. All day long the battle raged; but, when night came, the Mexicans had been defeated, and under cover of darkness retired.

General Scott was then on his way with land and sea forces to capture the city of Vera Cruz and the castle of San Juan d'Ulloa. Both of these surrendered on March 27, 1847; and on April 8 the American army began its memorable march along the national highway towards the city of Mexico. The American army at the outset numbered less than 9000 men; the Mexican army was often over 20,000 strong. At every step the ranks of Scott grew thinner, and those of Santa Anna fuller. Hundreds of Americans perished in battle; hundreds more died on the way of disease. Yet neither sickness nor heat nor fatigue could turn Scott back; and victory succeeded victory with astonishing rapidity. On April 18 the heights of Cerro Gordo were carried by storm, the Mexican army was utterly routed, and Santa Anna was forced to leap from his carriage and flee away upon a mule. On April 19 the army entered Jalapa; on the 22nd Perote fell; and on May 15 the city of Puebla surrendered. There Scott rested till August 7, when the march was once more resumed. On the 17th the spires of the City of Mexico came into view. The victories of Contreras, Churubusco, and Molino del Rey followed; the fortress of Chapultepec was stormed; and on September 15 the City of Mexico was occupied.

Mexico was now at the feet of her conqueror. United States troops

held New Mexico and California. The army of Taylor occupied eastern Mexico; United States naval vessels were in her seaports; and General Scott was in possession of her capital city. Nothing remained but to make peace on such terms as could be obtained; and these were finally set forth in a treaty signed on February 2, 1848, at Guadalupe Hidalgo. Mexico ceded New Mexico and Upper California to the United States, recognised the Rio Grande from its mouth to the southern limit of New Mexico as the boundary of Texas, received $15,000,000, and was released from the payment of claims, amounting to $3,000,000, which American citizens had against her. On May 30, 1848, the ratifications of the treaty were exchanged at Queretaro; and the United States came into possession of an immense area, including, in addition to Texas, the present States of California, New Mexico, Nevada, Arizona, Utah, with parts of Wyoming and Colorado.

This territory had been made free soil by Mexico; and the question of the hour became, whether it should or should not remain free? The strength of the Democratic party lay in the Slave-holding States, and forced it to lean towards an extension of slavery to New Mexico and California. But without the aid of northern Democratic States the party could not elect a President. The strength of the Whig party was in the Free States, and it therefore leaned towards the exclusion of slavery from the new Territories. But without the aid of Southern slave-holding Whigs the party could not carry the approaching national election. Both parties therefore faced the issue with dread. It was troublesome and dangerous, and was made more troublesome by the continued activity of the Liberty party and the discussion of the "Wilmot Proviso." Scarcely had war been declared to exist when President Polk applied to Congress for an appropriation of $2,000,000, to be used as a cash payment to Mexico in case she should conclude a peace involving the cession of territory. On the introduction into the House of Representatives of a bill appropriating this sum, David Wilmot, a free-soil Democrat, moved an amendment providing that, in all territory to be acquired from Mexico, slavery should be forbidden. This was the famous Wilmot Proviso. The appropriation bill, with this proviso attached, passed the House, but failed in the Senate. In the next session of Congress Polk asked for $3,000,000 for the purpose of negotiating a peace. Again an appropriation bill (January 4, 1847) appeared in the House; and again the Wilmot Proviso was added. It was struck out by the Senate; and the House now yielded and passed the bill without the proviso, though the Free-State legislatures instructed their senators and requested their representatives to support it. But the issue was not thereby decided, for at this point Calhoun took it up, and (February, 1847) introduced a series of resolutions declaring that the Territories belonged to the States in common, and that any law forbidding a citizen of any State to emigrate with his property (and

slaves were property) into any territory would be a violation of the Constitution. These resolutions were never voted on by the Senate, but they were at once accepted by Calhoun's followers, and were reasserted in resolutions passed by the legislatures of Alabama and Virginia.

When Congress met in December, 1847, Daniel S. Dickinson, a member from New York, went a step further, and introduced certain resolutions declaring that the spirit of the Constitution and the welfare of the Union would be best served by leaving all questions of the internal affairs of the Territories, even that of slavery, to the Territorial legislatures. In this respect the people of the Territories had, he claimed, the same sovereign rights as those of the States. This was the principle of "squatter sovereignty." At the same time Lewis Cass, a leader of the Democratic party in the North-west, and already anxious to be nominated by his party as a candidate for the presidency, set forth the same doctrine in a letter which soon found its way into print. All this, as yet, was but the expression of the personal opinion of individuals, or of the ideas of State legislatures. But a serious attempt was now made to make the new Territories slave soil.

The Democratic party, having by its action in 1845 made good its promise to re-annex Texas, had been called on to redeem its pledge respecting Oregon ; and in 1846 the year's notice of abrogation required by the treaty of 1827 was served on Great Britain. This brought the question of the ownership of Oregon definitely before the two countries. The more hot-headed members of the party demanded the cession to the United States of the whole territory in dispute, extending to latitude 54° 40′ north, and raised the cry "Fifty-four forty, or fight." The spirit of the country became so bellicose that at one time it seemed likely that the United States would go to war with Great Britain as well as with Mexico ; but fortunately a more pacific temper prevailed. In June, 1846, a treaty was signed, by which the parallel of 49° north latitude, running from the summit of the Rocky Mountains to the coast and continued down the Straits of Juan de Fuca, was established as the northern boundary of Oregon, thus leaving Vancouver Island in the possession of Great Britain.

The question of sovereignty having thus been settled, Congress was soon called on to provide a territorial government. In 1847 a bill for that purpose passed the House, but was tabled in the Senate because it contained a provision excluding slavery. In the next session (1848) a bill appeared in the Senate without this provision. A Free-Soil member therefore moved an amendment intended to exclude slavery. This brought on a long debate, in which the slavery extensionists vigorously resisted the amendment, not because they hoped to introduce slave labour into Oregon, but because they feared the application of the principle to California and New Mexico. As the House was unable to agree, the subject was referred to a special committee, which reported a

bill providing territorial governments for Oregon, New Mexico, and California, prohibited slavery in Oregon, but left the question whether the Constitution permitted slavery in California and New Mexico to be decided by the territorial courts, with the right of appeal to the Supreme Court of the United States. The bill passed in the Senate, but was tabled in the House. Thereupon the House prepared and sent to the Senate a bill prohibiting slavery in Oregon, to which the Senate added an amendment carrying the Missouri Compromise line of 36°30′N. from the 100th meridian to the Pacific. The House disagreed with the amendment; whereupon the Senate on the last day of the session gave way, and passed the bill with the express prohibition of slavery.

In the meantime the National Conventions had nominated their presidential candidates. The first to act was the Democratic Convention (May 22, 1848), which was attended by two rival delegations from New York, the one representing the "Hunker" wing of the party, whose State convention had rejected a resolution approving the "Wilmot Proviso," the other representing the "Barnburner" wing, whose convention had declared against the further extension of slavery in the Territories. The National Convention seated both delegations and divided the State vote between them, which so displeased the "Barnburners" that they left the Convention, while the "Hunkers" refused to take any part in the proceedings. Lewis Cass of Michigan and W. O. Butler of Kentucky were then nominated.

The Whig National Convention met in June, nominated General Zachary Taylor and Millard Fillmore, shouted down a resolution condemning the "extension of slavery by conquest," and adjourned amidst general confusion without adopting a platform. Henry Wilson, of Massachusetts, afterwards Vice-president under Grant, and many others left the Convention, and declared themselves no longer Whigs. These dissatisfied delegates met and called for an anti-slavery convention to meet at Buffalo in August. The "Barnburner" wing of the New York Democracy also called a convention, to meet at Utica in June. Martin Van Buren and Henry Dodge were nominated. It was decided to attend the Buffalo Convention, which was attended by delegates from seventeen States. Van Buren and Charles F. Adams were nominated; and a platform was adopted declaring that slavery was a State institution; that Congress had no more power to make a slave than to make a king; that slavery should be excluded from all free territory; and that the answer to the slavery party should be "no more Slave States, no more Slave Territories," and "We will inscribe on our banners Free Soil, Free Speech, Free Labour, and Free Men, and under it we will fight on and fight ever till a triumphant victory shall reward our exertions."

In November, 1847, the Liberty Party had nominated John P. Hale as a candidate for the presidency. But when the anti-slavery party at Buffalo selected Martin Van Buren as their candidate Hale withdrew;

and the Liberty Party was absorbed by the new Free-Soil Party, as it was called. When the election was over it appeared that the split in the Democratic party in New York had decided the issue. The thirty-six electoral votes of New York were given to Taylor; and the majority of Taylor over Cass in the electoral college numbered exactly thirty-six.

The vigour of the Free-Soil movement in the North and the triumph of the Whigs were sufficient to have brought the question of freedom or slavery in the new Territories to a crisis. But the discovery of gold in California, rumours of which began to reach the East in the fall of 1848, greatly hastened and complicated the issue. Some years before this time, a Swiss emigrant named J. A. Sutter obtained from the Mexican Governor of California a great tract of land in the Sacramento valley, and on it, at the junction of the American and Sacramento rivers, had built what was called Sutter's Fort. Over his land roamed thousands of cattle, sheep, and horses. In his employment were hundreds of labourers; and about his fort many American citizens had settled. As Sutter used a great deal of lumber, he employed a man named James Marshall to build a saw-mill at a place called Coloma, some fifty miles away. The saws were to be moved by a water-wheel; but, when the wheel was finished and the water turned on, the ditch which was to carry off the water proved to be too small. In order to enlarge it, water was rushed through; and a bed of mud and gravel was consequently formed at the end of the ditch. As Marshall stood looking at this bed of mud one day in January, 1848, he saw some glittering particles. These he picked out, examined, and beat between two stones, and, finding them malleable, at once guessed that they were gold. Gathering a few more, he set off for Sutter's Fort, reached the place at dead of night, and roused Sutter, who easily proved that the flakes found by Marshall were gold. To keep the secret was impossible. Sutter and Marshall acted so strangely that a workman watched them and found some gold. Then the news spread fast; and a rush for the gold-fields began. The whole social condition of California was instantly changed. Labourers left their fields, tradesmen their shops. Seamen deserted their ships in every harbour; soldiers defiantly left their barracks. Neither threats nor punishment could hold men to their legal engagements. In May one hundred and fifty people left San Francisco. Day after day the bay was covered with launches loaded with the goods of people hurrying up the Sacramento. On May 29 the *Californian* newspaper suspended its issue because editor, type-setter, and printer's devil had hurried to the mines. On June 14 the *Star* stopped for a like reason; and California no longer possessed a newspaper. By July immigrants were crowding in from Monterey, Santa Cruz, Los Angeles, and Oregon. In October Commodore Jones reported from Monterey to the Secretary of the Navy: "Nothing can exceed the deplorable condition of things in California, growing out of the maddening effects of the gold mania. For the present and for

years to come, I fear it will be impossible for the United States to maintain any naval or military force in California, as at present no fear of punishment is sufficient to make binding any contract between man and man. To send troops out here would be useless, for they would immediately desert. Among the deserters from the squadron are some of the best petty officers and seamen, having but a few months to serve and having large balances due to them amounting to $10,000. The commerce of this coast is wholly cut off. No sooner does a ship arrive at a port of California than captain, mate, cook, and hands all desert her." A paymaster wrote, "I arrived here (Monterey) and have paid all the men of the First New York Regiment. They have all started for the mines." Individuals made $5000, $10,000, $15,000 in a few days. One man dug $12,000 in five days; three others $8000 in one day. Such cases were abnormal, but it is certain that every miner was earning such sums as he had never seen before, and such as, a few months earlier, he would have thought fabulous.

By November, 1848, the news had reached the Eastern States, where it speedily became the one inexhaustible theme of conversation. Before December thousands were hurrying west. The records show that between December 1, 1848, and February 9, 1849, 137 ships, with 8098 "Argonauts," had sailed for California. By the end of March 270 ships with 18,341 emigrants had left New York alone. In February, 1848, there were but 2000 Americans in all California: in December there were 6000. By July, 1849, this number had grown to 15,000, and six months later to 53,000. Never was the need of a strong government in California more imperative. President Polk assured Congress, when it met in December, 1849, that the state of affairs in the Territories was such as "imperiously" demanded that Congress should not allow the session to close without establishing government in California and New Mexico. The House, well aware that the President's statement was true, promptly instructed the Committee on Territories to report a bill or bills for the organisation of governments in New Mexico and California, with distinct prohibitions of slavery. Alarmed at this, Senators and Representatives from slave-holding States under the lead of Calhoun met and adopted an "Address of the Southern Delegates in Congress to their Constituents." It charged the North with gross, systematic, and deliberate violation of the constitutional obligation to return fugitive slaves, denied that Congress had any authority over slavery in the States or in the Territories, complained of the constant agitation of the slavery question by the Abolitionists, and declared that this would result in a complete reversal of the relations of whites and blacks in the South and would force the former to leave the land to their former slaves. The purpose of the address was said to be to unite the South. A little later the legislature of Virginia adopted resolutions declaring that an attempt to enforce the

Wilmot Proviso "would rouse the people of Virginia to determined resistance at all hazards and to the last extremity." Missouri also protested against the principle of proviso. In the Free States feeling ran quite as high. The legislatures of all save Iowa resolved that Congress was in duty bound to prohibit slavery in the Territories; and many of them instructed their members in Congress to strive for the abolition of slavery and the slave-trade in the District of Columbia. Attempts to accomplish this end were made and failed, as did every proposal to establish governments in the Territories; and the Thirtieth Congress closed without settling the question.

When the news that Congress had not provided a government for California reached the people of that country, they proceeded to establish one of their own making. Men from every part of the world were hurrying to the gold-fields; villages and mining camps were springing up by hundreds; an extensive commerce already existed with Mexico, Chili, and Australia; and no legal provisions adequate to the emergency were in force. Fully comprehending the needs of the hour, General Riley, the military governor, who was then acting as civil governor, issued in June, 1849, a proclamation calling for the election of delegates to a convention in order to frame a State constitution. The convention, thus sanctioned, assembled at Monterey in September, and drew up a Free-State constitution which the people ratified. State officers, a legislature, representatives to Congress, and Senators, were then elected; and, when Congress met, application was formally made for the admission of California into the Union as a State.

The first duty of the new House of Representatives, when the members assembled in December, 1849, was the election of a Speaker. But slavery had by this time become a part of every political issue, and nearly three weeks passed before the final ballot was taken and a presiding officer chosen. By no one was this scene of sectional strife witnessed with deeper concern than by Henry Clay. After an absence of nearly eight years he had been persuaded to return to the Senate, and had come to Washington fully determined, he said, to take no leading part. But he had not been many days in Washington before he was convinced that the threats of disunion were serious, that the Union was really in danger, and that the secessionist spirit arose from the fear that the institution of slavery was no longer safe. To quiet this fear and subdue the spirit of disunion, concessions, he held, must be made by both sides. The time, in short, had come for another compromise; and towards the accomplishment of this great end Clay now bent all his energies. The obstacles to be overcome were five in number. (1) The South resisted the admission of California as a Free State, because it would upset the balance of power between the Free and Slave States in the Senate by making sixteen free-soil States to fifteen slave-holding. (2) The Mormons, when driven from Illinois in 1846, went to Mexico and founded

Salt Lake City. But the acquisition of California brought them again under the jurisdiction of the United States; and they now applied for the admission of their country as the State of Deseret, or for its organisation as a Territory. To Deseret (afterwards called Utah) and New Mexico the North insisted on applying the Wilmot Proviso, while the South declared such an application would be followed by secession. (3) Texas claimed the Rio Grande as her western boundary. But the larger part of New Mexico lay east of the Rio Grande; and the pretensions of Texas were so stoutly resisted that an appeal to arms seemed not unlikely. (4) The South demanded more stringent legislation for the capture and return of fugitive slaves. (5) The North insisted on the abolition of slavery and the slave-trade in the District of Columbia.

Taking these demands as the basis for a plan of compromise, Clay worked out a scheme which he laid before the Senate (January 29, 1850) in eight resolutions, providing:

1. For the admission of California as a Free State.
2. For the organisation of territorial governments in New Mexico and Utah without any restriction on slavery.
3. For the settlement of the boundary between Texas and New Mexico.
4. For the payment of the debt contracted by Texas before annexation, provided that she should relinquish all claim to any part of New Mexico.
5. That it is not expedient to abolish slavery in the District of Columbia without the consent of the people of the District, and of Maryland, and without compensation to owners of slaves. (That part of the District which had been in Virginia had been retroceded several years before.)
6. That the slave-trade ought to be abolished in the District.
7. That more effectual provision ought to be made by law for the return of fugitive slaves.
8. That Congress has no power to meddle with the slave-trade between the States.

The debates which followed the presentation of these resolutions are beyond all question the greatest in the annals of the country. Clay's eloquent defence of his compromise plan, the speech of Calhoun summing up the grievances of the South, the sensational "Seventh of March" speech of Webster, the "Higher Law" speech of Seward, the speech of Jefferson Davis (soon to become the leader of a great rebellion) setting forth what the South would accept, and the bitter and fiery utterances of a host of lesser men, impart an interest which attaches to no previous congressional discussion. On April 18, 1850, Clay's resolutions went to a Committee of Thirteen, which reported on May 8:

1. That the admission of any new State or States made out of Texas be postponed until they shall present themselves, when it will be

the duty of Congress to admit them in accordance with the compact made with Texas.

2. That California be admitted into the Union.

3. That territorial governments, without the Wilmot Proviso, be established in Utah and New Mexico.

4. That the two last measures be combined in the same bill.

5. That all New Mexico be taken from the jurisdiction of Texas; that a pecuniary equivalent be given to Texas; and that a section for this purpose be incorporated in the bill to admit California.

6. That a more effectual law for the return of fugitive slaves be enacted.

7. That the slave-trade, but not slavery, be prohibited in the District of Columbia. Bills to carry out these provisions had been prepared and were presented with the report.

While these measures were still under discussion President Taylor died; and Millard Fillmore was sworn into office as President. The old Cabinet at once resigned; and Webster, as Secretary of State, took the lead of the new. After the funeral of Taylor, debate on the Compromise Bills was resumed till July 31, when the Utah Bill passed. On August 9 a bill somewhat reducing the limits of New Mexico, and offering Texas $10,000,000 for surrendering her claim, was passed. On August 12 the California Bill passed; on the 15th the New Mexico Bill; and on the 26th the Fugitive Slave Bill. Action on the Bill to prohibit the Slave-trade in the District of Columbia, a distinctly Northern measure, was delayed in the Senate till the House should have acted on the measures already sent down to it. By September 12 all had passed the House; and on the 16th the District of Columbia Bill was allowed to go through the Senate. The House of course approved; the President signed each bill; and the Compromise of 1850, from which so much was expected, was accomplished.

CHAPTER XIII

STATE RIGHTS
(1850—1860)

WHEN the historian of the United States reaches the year 1850, he finds himself at a point at which it is convenient, at which it is indeed necessary, that he should pause and "look before and after," in order that he may reckon the forces amidst which he stands and scan the whole stage of affairs. The "Compromise of 1850" settled nothing; but it was compounded of every element of the country's politics and may be made to yield upon analysis almost every ingredient of the historian's narrative. Its object was the settlement of all urgent questions. Texas had been admitted to the Union with disputed boundaries which needed to be definitely determined; territory had been acquired from Mexico, by conquest and purchase, for which it was requisite to provide a government; opinion in one section of the country was demanding that the slave-trade should be excluded from the District of Columbia, the seat of the national government, and slavery itself from the new territory; opinion in another section was demanding, with an air almost of passion, that the question of slavery in the Territories be left to those who should settle and make States of them, and that property in slaves should everywhere be adequately protected by effective laws for the apprehension and return of fugitive negroes. It was the question of the extension or restriction of slavery that made the adoption of a plan of organisation and government for the new Territory perplexing and difficult, and the determination of the boundary of Texas a matter of critical sectional interest; and yet the rapid growth and development of the country rendered it imperative that action should be taken definitely and at once. Something must be done, and done promptly, to quiet men's minds concerning disturbing questions of policy and to keep parties from going utterly to pieces. That was the object of the "Compromise of 1850."

It consisted of a series of measures framed and introduced by a committee of which Henry Clay was chairman, and urged upon Congress with all the art, energy, and persuasiveness of which the aged Kentuckian was so great a master, even in those his last days. It was agreed

(1) that Texas should be paid ten million dollars to relinquish her claim upon a portion of New Mexico; (2) that California should be admitted as a State under a constitution which prohibited slavery; (3) that New Mexico and Utah should be organised as Territories without any regulation in respect of slavery, leaving it to the choice of their own settlers whether there should be property in slaves amongst them or not; (4) that the slave-trade should be excluded from the District of Columbia, but be interfered with nowhere else by Federal law; and (5) that the whole judicial and administrative machinery of the Federal government should be put at the disposal of the Southern slave-owners for the recovery of fugitive slaves found within the Free States.

Every measure in the list touched the politics of the time at some vital point. Fourteen years earlier (1836) Texas had established herself as an independent State by secession from Mexico, which Santa Anna had transformed from a republic into a military despotism; and in 1845 she had been admitted with all her vast domain into the United States. Her admission into the Union had led almost immediately to war with Mexico (1846); for her southern boundary line was in dispute. The Federal government supported her claim to the tract of land which lies between the Nueces and the Rio Grande rivers, and by occupying it with an armed force compelled Mexico to fight for its possession. In the war which ensued, the forces of the United States took possession not only of the little region in dispute but also of all the Pacific slope from Oregon to Texas, Mexico's Territories towards the north. It was this war, and the acquisition of a new and vast domain on the Pacific, which had brought Congress once more face to face with the question, What shall be done with regard to slavery in the new Territories? Shall its introduction be forbidden there, or permitted? And it was this question which had stirred parties and sections to the renewal of an old and bitter conflict, which threatened to disturb every ancient compromise and make peace and union infinitely difficult.

It was a return to the question which politicians had hoped to have dismissed in the "Missouri Compromise" of 1820, when it had been agreed that Missouri should be admitted into the Union with a constitution which legalised slavery, but that thenceforth no other Slave State should be formed out of any territory of the United States which lay north of latitude 36° 30′, the southern boundary of Missouri extended; but here was new territory to which that old compromise of a generation ago, it was said, did not apply. The question was as old, almost, as the Constitution itself. It had been touched first and most definitely by the notable Ordinance of 1787 — a law as old as the Constitution — which had decreed, once for all, that slavery should not enter the North-west Territory, the vast dominion made over by Virginia and her sister States to the Confederation which had fought the war for independence. But it was a matter which statutes could

not quiet or conclude. So long as there was new territory to be filled with settlers, and formed into States with institutions and laws of their own, there must continue to be strife and controversy regarding what should be done in respect of slavery ; for the slave-owners insisted that they should be insured by law against the risks of change, that they should be made safe against being left in a minority in a country where everything was changing and no one could surely foresee majorities either for or against any institution whatever. Such a contest could not be closed till movements of population and opinion had themselves come to an end.

Although no man could certainly foretell, even in 1850, what would be the outcome of the contest between the advocates and the opponents of the extension of slavery into the new Territories, and thus also into the new States which should be formed from them, it was very much plainer then what this was likely to be than it had been in 1821 or in 1787. Southern statesmen did not deceive themselves. They saw as clearly as anyone could see that the great movement of population into the new lands in the West was not only a natural and inevitable economic movement of men seeking to better their fortunes in new homes, but also a game of power, and a game at which they were likely, if not sure, to lose. There was no mistaking the signs of the times or the magnitude of the forces engaged. It was a contest between sections which every year became more and more widely contrasted in life and purpose.

It was slavery, of course, which made the South unlike the rest of the country, unlike the rest of the world. The contrast was to her advantage in some respects, though to her deep disadvantage in many others. She had men of leisure because she had slaves ; and nowhere else in the country was there a ruling class like hers. Where men are masters they are likely to be statesmen, to have an outlook upon affairs and an instinct and habit of leadership. Privilege and undisputed social eminence beget in them a pride, which is not wholly private, a pride which makes of them a planning and governing order. It was this advantage, of always knowing her leaders, and of keeping them always thus in a school of privilege and authority, that had given the South from the first her marked pre-eminence in affairs. Her statesmen had led the nation in the era of the Revolution. The Union seemed largely of her making. Madison's had been the planning mind in its construction ; Washington's mastery had established it ; Jefferson had made it democratic in practice as in theory. For thirty-two out of the first forty years of the existence of the Union Virginian statesmen had occupied the presidential office, and had guided as well as presided over affairs. The coming-in of Jackson in 1829 had marked a revolutionary change in the politics of the country. The older generation and the older methods of counsel and action were thrust aside ; ruling groups of

statesmen thenceforth counted for less, and popular conventions for more. Delegations of local politicians were substituted for Congressional committees ; the influence of unknown men displaced the authority of responsible leaders. But, even after that notable break-up, the South kept her place of authority in party counsels, in cabinets, and even in the choice and policy of Presidents. Men drawn from her school of privilege were as prominent as ever, and ruled conventions as they had ruled groups of consulting statesmen. Their initiative was not daunted or discouraged. No one could deny that the South had all along played a part in the control of parties which was altogether out of proportion to her importance in wealth or population.

But every year relaxed her hold upon affairs and more definitely and obviously threatened her mastery with destruction. The country was growing away from her. It had grown away from her in the years which preceded the coming-in of Jackson and the rough Western democracy which despised tradition ; but the fact had not been upon the surface in those days. In 1850 it was plain to see. During the twenty years which had passed, the country had grown at an infinitely quickened pace, and in ways which could escape no man's observation, while the South had almost stood still. Her order of life was fixed and unchangeable. She could not expect manufacturers to make their home with her ; she could not induce immigrants to settle on her untilled lands. Diversification of industry was for her, it seemed, out of the question. She had begun to perceive this twenty years ago, and had been deeply moved by the discovery. She could not forget the controversies which had raged about the tariff legislation of 1828 and 1832, or rid herself of the painful impression of what had been done and said and threatened when South Carolina made her attempt at "nullification." Time had but made the issues of that conflict more distressingly plain and significant.

The South could not compete with the North in the establishment of manufactures because she could not command or maintain the sort of labour necessary for their successful development ; nor could she compete with the North in the establishment of agricultural communities and the building of new States in the West, if her people were to be forbidden to take their slaves with them into the national Territories. Her statesmen had felt a great enthusiasm for national expansion at the first, had favoured moderate tariffs and the diversification of industry, had spoken like men of a race, not like men of a section, until they saw at last how the very organisation of the communities they loved best and most passionately seemed to shut them out from sharing in the great change and growth which were to command the future. Then, as was but natural, they began to draw back and to doubt as to the course they had taken. To put tariff-charges on imports in order that manufacturers might get higher prices for their goods in the markets of the

States, was, they said, when viewed from the side of the effects it would have upon their own people, only an indirect way — and not a very indirect way either — of making the South, which could not engage in manufactures, support the people of the North, who could. It would curtail the commerce of the Southern ports and markets without furnishing any countervailing advantage to offset the loss.

That had been the ground of South Carolina's "nullification." Calhoun had not led her into that singular course: he had followed her into it. He had hitherto held his mind to a national scale of thinking; but the distress of his own people swung him about, to study the causes of their disquietude. He accepted, when it was pressed upon him, their own explanation of the decline of their commerce and the falling off in the price of their cotton. He believed, as they did, that these things were due to an inequitable distribution of the burdens of federal taxation: that the South was being made to pay for the maintenance of manufactures in the North. He accordingly supplied them with weapons of defence, with constitutional arguments which went the whole length of an absolute refusal to obey oppressive and unequal laws, with the full-wrought doctrine of nullification.

Calhoun did not invent the doctrine of nullification. It had been mentioned and urged in South Carolina again and again before he had been brought to accept it — mentioned very explicitly and urged very passionately. He had turned very reluctantly from national plans to sectional defence; and only because men who were his intimate friends and close political associates at home, as well as events happening under his own eyes at Washington, convinced him of the critical peril of the Southern States. But when he did turn it was with eyes wide open and with all the passion of his nature, and with the passion of his mind also, that singular instrument of power, which gave order, precision, and a keen and burning force to whatever it touched. The doctrine of State Rights, which other men had used for protest, for exhortation, for advantage in debate, he used as if for legal demonstration. He made of it a philosophy of right, a statesman's fundamental tenet. The very coolness and precision of his way of reasoning seemed to make the doctrine a new and wiser thing. In every sentence, too, there was added to the sharp lines of reason the unmistakeable glow of conviction. Once convinced of the necessity of this his new line of action, he followed it with the zest of a crusader. "As to the responsibility necessarily incurred," he said, "in giving publicity to doctrines which a large portion of the community will probably consider new and dangerous, I feel none. I have too deep a conviction of their truth and vital importance to the Constitution, the Union, and the liberty of these States, to have the least uneasiness on the point."

He believed "the great and leading principle" of the political life of the Union to be, "that the general government emanated from the

people of the several States, forming distinct political communities and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each State is a party, in the character already described; that the several States, or parties, have a right to judge of its infractions; and, in case of a deliberate, palpable, and dangerous exercise of power not delegated, have the right also, in the last resort (to use the language of the Virginia Resolutions), 'to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.'" Madison had framed the Virginia Resolutions, as Virginia's protest against the Alien and Sedition Laws of 1798, which he considered "a deliberate, palpable, and dangerous exercise of power not delegated" by the Constitution, either explicitly or by reasonable implication; but he was still living when Calhoun put forth his doctrine of nullification, in imitation, as he supposed, of the precedent, and on the firm ground of the "good old Republican doctrine of '98," and he emphatically denied having meant by his doctrine what Calhoun meant by his principle of virtual resistance.

The resolutions which Kentucky had adopted in 1798 were nearer Calhoun's tone and meaning. They had declared that in case of a deliberate, palpable, and dangerous exercise of unconstitutional powers by the Federal government, "as in all other cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of the infractions as of the mode and measure of redress." But even these might be read as the terms of agitation rather than as those of revolution. The States were the only organic bodies capable of authoritative action outside the organisation of the Federal government itself, and they had seemed to the statesmen of Virginia and Kentucky the natural and proper instruments of agitation in cases where the action of the Federal government called for organised, though peaceful and constitutional, opposition and a concerted effort for redress. Calhoun's thought went much further. He conceived the States to be the only members of the Union. The people had no citizenship, as it seemed to him, except in the States under whose authority they were grouped. They had no direct connexion with the Federal government, but dealt with it, and acted in its affairs, in communities. The Union was a Union of States, and the people acted in its affairs, not directly and as a nation, but segregately, by joint action, as sovereign but associated commonwealths. The States, therefore, as the sole constituent members of the Union, were not only the natural and proper agencies of agitation; they were the only proper, the only possible parties to a change. The initiative was theirs by constituent right: and each of them must look for itself to the keeping of the general compact, acting upon its own individual responsibility.

But what if a single State should act? What if South Carolina should act alone, how far might she go? What was it her right to do? This question the Virginia and Kentucky Resolutions had not answered; but Calhoun answered it very explicitly. It was her right, he said, when all reasonable hope of redress through any other channel had failed, to call upon her electors to choose a convention, such a convention as might amend her constitution and shape her exercise of sovereignty in other matters; and that convention might declare the Acts complained of null and void, because contrary to the federal pact, and therefore not binding upon her citizens. Such a thing should not be done as an act of revolution. It should be so planned and executed, with such deliberations, delays, and postponements, and such ample opportunities for conciliation, compromise, and adjustment, that it would operate merely as a check upon the national government and give both time and motive for a final settlement. The escape from the crisis must be, not the revolt or permanent recalcitrancy of a single State, but an appeal to the power which had made the Constitution and which had the final right to interpret its intent and meaning, to the association of sovereign States. If the general government was not willing to yield in the matter in controversy, it must call a constitutional convention, such as that "for proposing amendments," which the Constitution itself provided for. With that convention, in which the States as principals to the federal compact would be present in the persons of their delegates, it would rest to determine, by a majority representing two-thirds of the sovereign commonwealths, the merits of the controversy. If these sovereign principals, by the constitutional majority of two-thirds, should declare the powers complained of to have been rightly exercised by the Federal government, it would be as if the Constitution had been amended and those powers explicitly added; and the State, or States, whose protests had brought the convention together would be in duty bound either to submit or to quit the Union. Calhoun was too sane a thinker, too sincere a lover of the Union and of the ideals which it had set before the world, too much of a statesman and master in affairs, to be guilty of so great a solecism as to maintain what some who had not examined his argument supposed him to maintain, that a State could permanently "nullify" a law of the United States and yet remain a member of the Union. Nullification was in his doctrine but a means of bringing federal action to a standstill in respect of some single matter of critical controversy until a power higher than Congress — that power which he conceived to be the real and only sovereign power under the Constitution — had acted, and a final determination had been made of the question of right. He deemed the Supreme Court of the United States an unsuitable forum in which to determine such matters of sovereign right, because it was but an agency of the very government whose powers in the case supposed were in dispute. Arbitrament must

lie with the sovereign associates whose agent he conceived the Federal government to be.

Almost every Northern man who heard such views set forth considered them "new and dangerous," as Calhoun had foreseen. They seemed a little ridiculous, too, when put into practice. On November 24, 1832, South Carolina actually did declare the Tariff Acts of 1828 and 1832 null and void within her jurisdiction and in respect of her people, acting in sovereign convention, called in due form by her legislature. But no general convention of the States was called; Congress lowered the tariff duties, but would not abandon them or lower them upon the principle on which South Carolina had insisted; General Jackson was President and showed himself ready to carry out the laws of the United States, in South Carolina as elsewhere, by force of arms if necessary, like the hard-headed, practical soldier he was; and South Carolina was obliged to yield without bringing her doctrine to a final test. She had gained enough, in the alteration of the tariff laws, she thought, to make her retreat something less than a surrender, and was fain to content herself with that. She laid her constitutional weapons aside until another time.

Calhoun was unequally compounded of logician and statesman. In outlook, in sympathy, in insight, and in power among men a statesman, he was yet in all processes of systematic thought a subtle and uncompromising logician, and projected his argument without thought of time or limiting circumstance. There is in much of his writing the touch and tone of the schoolman, — so refined is the reasoning, so abstract the processes of the thought. It was this thorough-going way of reasoning, from the careful premisses straight through to the utmost bounds of the conclusion, that made him seem to practical men a radical, almost a revolutionist. He made old doctrines seem "new and dangerous," because he pushed them beyond their old limits and gave them novel and disturbing applications. His doctrine of the ultimate sovereignty of the States was not new. It had once been commonplace to say that the Union was experimental, to speak of circumstances in which the contracting States might deem it best to withdraw. Webster had been prompt to challenge the doctrine of nullification and draw it out into the open in his debate with Senator Hayne; and nobody who heard him then could doubt either his extraordinary power or the breadth and wisdom and impressiveness of his conceptions with regard to the national destiny and higher law of growth. But, though he was the better statesman, Hayne was the better historian.

Webster's greatness was never more admirably exhibited than in that famous debate. His utterances on this occasion, moreover, sent a thrill through all the East and North which was unmistakeably a thrill of triumph. Men were glad because of what he had said. He had touched the national self-consciousness, awakened it, and pleased

it with a morning vision of its great tasks and certain destiny. Those who heard were not so much convinced as aroused, stimulated, exhilarated. He had spoken for the new generation. But the generation in the midst of which he stood was both new and old. It was new on the whole stage of movement, of change, of struggle, of achievement, where the nation was being re-established and transformed; but it was old where change had not penetrated, where institutions had stood untouched, where the organisation of society was in fact unalterable, and where thought and habit held steady and undiverted to the old ways. The South stood still in a fixed order. Since the making of the Constitution, Alabama and Mississippi and Louisiana and Texas had been added to the South upon the Gulf, and Tennessee and Kentucky, Arkansas and Missouri within the continent; but such growth had been assured her almost from the first, and had resulted in a uniform expansion, without essential change either in conceptions or in modes of life. Wherever slavery was established, society took and kept a single and invariable form; industry had its fixed variety and pattern; life held to unalterable standards. Change had entry and freedom only in the great westward migration which followed the parallels of latitude further to the north, and in the great industrial expansion of the East. It was a process there which obliterated old political boundaries, fused diverse elements of population, created community in enterprise, quickened throughout wide regions the sense of co-operation, and made the nation itself seem to those who took part in it a single great partnership in material and political development.

No doubt the whole country had felt a certain critical coolness towards the Constitution throughout the generation which framed and adopted it. Statesmen defended, praised, expounded, fortified it; courts diligently wove its provisions into the law of the land; success added prestige to the general government which it had set up; but the little commonwealths of the long seaboard, which had agreed to live under it, kept their old pride of separateness, thought of it at first rather as a serviceable arrangement than as an unalterable law, respected it but did not love it, and were ready enough to question it, asking once and again, as they had asked at first, whether it was really, after all, calculated to promote their interests. And this was the point of view which the South, more than any other part of the country, had kept, because she more than any other part of the country had remained unchanged. She did not feel her dependence upon the national government as those did who were building up manufactures under the protecting shadow of the federal tariff laws, or as those did who were organising settlements and making new States out of the national domain in the West. These men had always an image of enterprise, union, and co-operation when they spoke of the nation; while public men in the South thought only of the general government, the agent in certain

matters of the States united. For a generation or more after the founding of the Union, the South as well as the North had felt the pulses of growth and national expansion; and Calhoun had once been at the front of a group of young statesmen who were pushing forward internal improvements, advocating the acquisition of territory, and supporting every national enterprise and policy. It was when the movement quickened beyond the pace at which the South could follow it, when States threatened to multiply without end in the West, when railways shortened the road of growth, and immigration swelled more and more the tide of new peoples that poured in to join the Northern, not the Southern, hosts of settlers and State-makers, that the South began to realise her separateness and isolation. It was significant that it was in a debate concerning the right policy to be pursued with regard to the Western lands, the unoccupied national domain, that Webster and Hayne came to their issue with regard to the doctrine of nullification. It was the West that was making a nation out of the old-time federation of seaboard States. Webster was insisting upon the new uses and significance of the Constitution, Hayne was harking back to the old. The Constitution had once been deemed almost, if not quite, susceptible of the interpretation which the Senator from South Carolina still sought to apply to it; but the national life had in these later days grown strong within it, and it had become, at any rate for the major part of those who lived under it, the instrument of nationality Webster understood it to be. No constitution can ever be treated as a mere law or document: it must always be also a vehicle of life. Its own phrases must become as it were living tissue. It must grow and strengthen and subtly change with the growth and strength and change of the political body whose life it defines, and must, in all but its explicit and mandatory provisions with regard to powers and forms of action, take its reading from the circumstances of the time. In the South circumstances had not changed; in the North and West they had changed almost beyond recognition; and the men of the two sections could no longer think alike with regard to the fundamentals of their common government.

The days when South Carolina attempted nullification were the days of the first full consciousness of these momentous changes and of this disparity of interests between the sections; and by 1850 these things could escape no thoughtful man's observation. Movements which had been slow had become rapid; issues which had seemed far away were now obviously close at hand. The decade 1840–50, particularly, had seen every process of modification quickened. The age of railways and of labour-saving invention had set in, and with it the days when movements of population were to be greater than ever. Before 1842 no year had brought so many as a hundred thousand immigrants to the United States, but by 1847 the tide had mounted to 234,968, and by 1849 to

297,024. 1846 and 1847 were the years of the terrible famine in Ireland; 1848 was the year of universal political disturbance in Europe, the year of revolution which made refugees of so many thousands and unsettled the peoples of the Continent, bringing discontent, restlessness, and even a touch of despair. And the movement did not stop with the end of revolution and famine. It was but the beginning of a new era of immigration. The stream of new comers grew rather than diminished from year to year, and steadily augmented the forces of change which inevitably crossed the sea with these swarming bands of strangers. Their distribution within the Union proved easier and more immediate every year by reason of the rapid extension of the railway system of the country. More than six thousand miles of railway were constructed between 1840 and 1850, — an increase of more than two hundred per cent. over the preceding decade; and the electric telegraph was added just in the nick of time to facilitate the safe operation of long lines of transportation. Morse's invention came into actual use in 1844, and promised that the most widely separated regions of the great continent which was thus filling up with restless hosts of settlers would presently be near neighbours to one another. It was but yesterday that steam navigation had become an assured success upon the ocean (1838). The McCormick reaper was no older than 1834. The world was but just beginning to feel the full impulse towards that diversification of industry which was to transform it.

The South of course felt these forces at work within herself as well as upon her Northern neighbours and out upon the broad new-tenanted fields of the West, where everything was new. She had railways among the first; the earliest inventions of the new age had been those which made the production and manufacture of cotton easy and exceedingly profitable, and from these she had reaped a great increase of wealth. There had been a day when she had hoped for as great a development as should come to any section or any region in the world. But she had long since been disillusioned of that hope. While population grew elsewhere by leaps and bounds, hers did not sensibly increase. While new sources of wealth and power were added every year, as it seemed, to the resources of the rest of the country, none that were new were vouchsafed to her. Even her own native white population drifted away from her into the West, into the North, into the newer portions of the South itself. The census of 1860 was to show that there were in South Carolina only 277,000 white persons born within her borders, while 193,000 born within the State were living in other parts of the country. North Carolina had kept only 634,000 out of 906,000; and Virginia only 1,000,000 out of 1,400,000. Immigrants did not come down into those fertile valleys; and the great plantations, with their crowding, docile slaves, thrust out even those of native stock whose homes had been there. The race was towards the West. If Southerners could

carry their slaves thither, they might remain Southerners and spread and confirm the social standards, the economic system, and the political ideals of their native region; if they could not carry their slaves with them, they must become "Westerners," lose their identity, change the whole order of their lives, and be added to those national forces from which the South feared nothing less than extinction. No wonder the whole country felt that great issues were joined in the compromise legislation of 1850.

It was significant, as one of the notable signs of the times, that one part of that legislation had been determined beforehand, by forces which politicians could neither divert nor control. While Congress was getting ready to organise California as a Territory it became a State. Gold was discovered in California in January, 1848, and all the region of the great discovery was suddenly peopled, as if by magic. The whole world seemed all at once to send its most aggressive spirits thither, a vast company of eager, resourceful, hard-fibred men, fit to work and to shift for themselves. In they poured by shipload and by caravan, from over the seas, around the two continents by the long way of the Cape, around the northern continent by the shorter way of the Isthmus, across the endless plain by waggon and train, out of the States, out of the frontier communities of the western Territories, out of foreign lands east and west, until California showed, before the census of 1850 could be taken, a population of more than eighty thousand souls. They could not do without government: they improvised it in some rough and suitable fashion for themselves. By the autumn of 1849 they had held a general convention, framed and adopted a State constitution prohibiting slavery (for in that quickly formed community they had no slaves and wished for none, but only asked leave to live and work for themselves under rulers of their own choosing), and demanded admission into the Union. They had been encouraged to take this course by General Taylor, the frank, straightforward soldier who was then President. General Taylor was a Southerner, but he was also a democrat, and it seemed to him both legitimate and desirable that these self-sufficing pioneers in the Californian hills should choose their own government, demand their natural rights under the Constitution, and not wait upon the politicians at Washington. And they had their own way. California was admitted at once as a State, and admitted under the constitution which its inhabitants had framed.

It was a bitter disappointment to the Southern statesmen. California, with its broad and fertile valleys, its soft and kindly airs, its long area toward the south, had seemed a more likely region than any other for the extension of slavery. But these eighty thousand settlers who had rushed thither for gold had determined that question; and the most that could be offered the South by way of compensation was, that the question of the introduction of slavery into New Mexico and Utah should not also be prejudged and settled. They also had framed State

governments, but with much less show of right than in the case of California; and Congress did not hesitate to ignore their request to be admitted into the Union. It organised them as Territories, with nothing said about slavery.

The only thing of substance that the Southern leaders seemed to have gained from the bundle of bills which made up the "Compromise," as they looked back upon it, was the Fugitive Slave Law; and there must have been some among them who seriously doubted the profit that would accrue to them even from that. The surrender of fugitive slaves was a matter which could never be settled in a way to satisfy both sections of the country; and it soon became evident enough that this particular effort to settle it was likely to generate passions which must grow hotter and hotter with each application of the law, promising, not accommodation, but a more perilous conflict and separation of interests. The new law was not novel in object or principle; it was novel only in character and operation, and attracted attention because of the strong forces of opinion now set hotly against it. The Constitution itself directed that not only fugitives from justice, but also all persons "held to service or labour in one State under the laws thereof, escaping into another," should be taken and returned, to receive their punishment or fulfil their service; and so early as 1793 Congress had passed a law intended to secure the return of both classes of fugitives. But this older law had proved less and less satisfactory with regard to fugitive slaves, because anti-slavery sentiment had grown apace in the North, and the officials of the Northern States had become more and more slack in assisting at the apprehension of negroes who had run away from their masters in the South. The Southern leaders, therefore, had demanded a law more stringent and effectual; and the law of 1850 had been framed to meet their wishes. Federal, not State, officials were to execute it, under heavy penalties for any neglect on their part in the thorough fulfilment of the duties it laid upon them. The mere affidavit of a master who claimed a runaway black was made conclusive evidence of ownership. The law bound federal judges and commissioners to issue the warrant of apprehension, obliged the marshals of the United States to make the arrest and safely deliver their prisoner, and operated even against the hearing of an application for a writ of *habeas corpus*. Many Southern masters used the law to the full limit of its rigour. Negroes who had been living in the North for many years were reclaimed and carried South under circumstances which greatly stirred the pity and sympathy of those among whom they had been settled. Mobs frequently attempted the rescue of apprehended fugitives, and sometimes succeeded, to the defeat of the law and the greater exasperation of feeling on both sides. Men of influence and position, besides such men as usually make up mobs, encouraged, and upon occasion took part in, even the more violent sort of resistance to the execution of the law,

and did not hesitate industriously to organise every possible means of evading it. State Courts and even State legislatures put every possible obstacle in the way of the law's enforcement; and for a while men could talk of nothing else but the hateful operation of the Fugitive Slave Law.

The disturbing effects of all this upon the composition and aims of parties, and upon the action of the general government in affairs of domestic policy, were enhanced by the disappearance of the old party leaders. Calhoun died in March, 1850, the central month of the great Compromise debates — died stricken at heart, as it must have seemed to all who observed him closely, because forced in those last days to see with his keen eye of prophecy what the years to come must inevitably bring to pass. He had told those about him that the South was stronger now than she could ever be again, and must insist now or never upon what she considered her rights under the Constitution; that she had yielded too much when she consented to the Missouri Compromise of 1820, and must utterly lose the game of power if she conceded more; that the preservation of the Union depended upon the maintenance of an equilibrium between the Slave States and the Free, and that the Union must go to pieces unless that equilibrium, already destroyed, should be restored. He knew in those last sad days that it could not be restored, and that the Union he had loved and lived for must enter on its struggle with death. His own hand, more than any other man's, had wrought to bring the struggle on, because what he deemed his duty had bidden him to the work. He had drawn out the plot of the tragedy; but must have thanked God he was not to see it played out. He had designed it to be a warning: it had turned out to be a prophecy.

Webster and Clay survived him two years. Clay died in June, 1852, and Webster followed him in October. They had employed all their remaining power in the task of maintaining peace between the parties under the Compromise of 1850. Webster had gone about the country reproving agitation, speaking of the compromise measures, in his solemn and impressive way, as a new compact, a new stay and guarantee of the Constitution itself, the pledge and covenant of domestic peace. He had, indeed, sacrificed a great deal to effect the adjustment he so earnestly defended. He had lost many a friend and had infinitely saddened his own old age by advocating accommodation between the contending forces of North and South. Many thought this accommodation an utter abandonment of the gallant position he had taken in 1832, when he had faced Senator Hayne so successfully with his confident vindication of the sovereign authority of the general government. Men who had once trusted him to the utmost now denounced him with cutting bitterness as an apostate and an enemy of the Union. But he endured the shame, as he thought, so that the Union might be

saved. Clay also cried out to the last for peace, for good faith in the acceptance and fulfilment of the Compromise, for a steady allegiance in the maintenance of the old parties and the old programmes, against discontent and uproar and disquieting agitation. Both men passed from the stage before they could know what the outcome would be, hoping for the best, but doubting and distressed, their veteran heads bowed as if before a breaking storm.

The year of their death (1852) synchronised with the election of a President; and the state of parties gave cause for the gravest solicitude, to the leaders who remained as well as to those who were taken away. The Whigs uttered their usual declaration of principles, and avowed themselves entirely satisfied with the compromise measures of 1850; but they seemed to reckon for success rather upon the popularity of their candidate, General Winfield Scott, the hero of the Mexican war, than upon the attractiveness of their programme and principles. There were scores of Whigs who had no stomach for the compromise and were alienated by their party's support of it. They could not yet quite bring themselves to act with the outspoken Free-Soil party, which met in convention at Pittsburg in August and boldly pronounced the Fugitive Slave Law repugnant both to the principles of law and to the spirit of Christianity, declaring its own programme to be "no more slave States, no more slave Territories, no nationalised slavery, and no national legislation for the extradition of slaves"; but they held off from their old allegiance and would not help their party against either the Free-Soilers or the Democrats. The Democrats, for their part, spoke with their old-time confidence and acted with unity and spirit. They declared, not only that they approved of the Compromise, but also that they would "faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798 and 1799." They regarded those principles, they said, "as constituting one of the main foundations of their political creed," and meant "to carry them out in their obvious meaning and import." Their nominating convention found it impossible to choose between the three leading candidates for the party's favours, Lewis Cass of Michigan, James Buchanan of Pennsylvania, and Stephen A. Douglas of Illinois, and therefore nominated Franklin Pierce of New Hampshire, an affable and prepossessing gentleman whom no one could condemn, and whom his supporters could admire for his quiet serviceableness as a member of the legislature of his State and of the federal House of Representatives, and for his unostentatious performance of his duty as an officer of volunteers in the Mexican war. And Pierce was elected. He received the electoral votes of every State except Vermont, Massachusetts, Kentucky, and Tennessee — two hundred and fifty-four votes to General Scott's forty-two. The Democratic majority in the House of Representatives was, moreover, increased by thirty-seven, and in the Senate by six. No influential

group of public men had accepted the Compromise with quite such earnest heartiness as the Democratic leaders had shown. They had therefore won the confidence of the South ; besides great States like New York and Pennsylvania, which had four years before cast their votes for the Whig candidates, they had drawn North Carolina and Florida, Louisiana and Georgia to their support. Their vote was national. The popular vote of the Whigs had not materially fallen off, but the popular vote of the Democrats had risen by nearly four hundred thousand, and the vote of the avowed and aggressive Free-Soilers had diminished nearly one-half. It looked to sanguine politicians like a clearing of the skies.

To those who could see more than the surface of affairs, however, it was even then evident that nothing of the kind had taken place. Parties were in fact rapidly going to pieces. The Democratic party held together for the present only because it allowed itself to be governed by its Southern leaders, men of settled purpose and definite opinions, experienced in counsel and in unhesitating and concerted action. Every man who doubted and was troubled — as what practical man was not ? — by the ominous signs of the times turned instinctively to this party, thus led, because it was at least confident, of good courage and united counsels, knew its own mind, and promised to bring peace and order out of confusion. But the presidential election of itself settled nothing. Practical questions turned with a sort of grim fatality upon the critical matter of the extension of slavery, and came thick and fast, and in such pressing form that they could not be put off or avoided ; and the Democrats were presently touched as near the quick by the disintegrating influences of the time as the Whigs had been. The field of politics began to fill more and more with new parties, with new groups within the old parties, with dissentient factions and a confused war of opinions.

The fact was, though politicians were very slow to perceive it, that parties had long ago ceased to be amenable to the discipline of the older time, when a few men trained to affairs in Virginia and Massachusetts had been able to dominate and direct them by the authority of a sort of oligarchy. In the old days of "the Virginian dynasty," the days from Washington to Monroe, parties had submitted to a very simple government and discipline, effected by intimate counsel among a few experienced leaders, by quiet conferences of Senators and members of the House of Representatives, by private correspondence and tacit understandings with regard to personal precedence. A change had set in with the entrance into national politics of those influences from the West which made Andrew Jackson President of the United States. Until then Presidents had been nominated by the party leaders who were in Congress or in the executive offices of the government ; and a sort of succession had been observed. The Secretaryship of State, as the

chief place among those held by the President's advisers, had come to be looked upon as next to the presidency itself in the line of party preferment, and statesman after statesman had passed through it to the chief national office. It was a sort of parliamentary *régime* inherited from England, where parties had long officered the government with their real leaders in legislation and policy; and it had been readily maintained because in almost all the older States the franchise had been in some degree restricted, and because there was a virtual social hierarchy in New England no less than in the South, where society was obviously aristocratic in its ideals of authority and precedence. The lawyers and the ministers, university men for the most part, and schooled to represent the prestige of training, of established forms, of learning, and of experience, still wielded in New England a power almost as substantial as that which had marked the authority of the governing class in the old colonies during the early eighteenth century; and the lawyers were of course the active politicians, an unquestioned preference being accorded all the while to certain families, as for instance the Adams family — an order of affairs which any Englishman of that generation might have recognised as natural and familiar enough. But a day came when the older States and communities of the seaboard no longer held their former undisputed place of governance in the politics of the Union. The great westward movement had set in. By 1850 Kentucky, Tennessee, Ohio, Indiana, Illinois, Missouri, Arkansas, Michigan, Iowa, Wisconsin, and California had been added to the roster of the States from the Western lands, where frontiersmen had founded a new democracy. Limitations upon the suffrage began to be discredited and broken down: the new States did not adopt them, and the old States in the face of their example could not keep them. Men without the training or the social standards of the older parts of the country made their way into affairs and grew impatient of the unsympathetic domination of the Eastern leaders by prerogative. They pushed their own propositions and candidates, and presently thrust aside Virginians and Massachusetts men to make Andrew Jackson President.

The breaking up of the old order was accompanied by many significant innovations and changes. State legislatures began to nominate candidates for the presidency; the younger men and the local political managers grew very jealous of the private and exclusive authority of congressional committees and "caucuses"; and by 1832 a new and popular machinery of nomination had been substituted, in which the part of public leadership was minimised and the art of getting votes and organising majorities magnified. This was the nominating convention, which has ever since been one of the chief instruments of party action in the United States, not only naming the candidates for the presidential office, but also giving authoritative formulation to the legislative and administrative programmes of the parties, and so binding

their leaders by a sort of a *plébiscite*. In its nominating convention each party had thereafter a governing body of its own, unrecognised by law, made up under the management of the smaller sort of local politicians in the innumerable voting districts of the several States, but dictating to Congress, pledging presidents beforehand to certain courses of action; itself irresponsible, unofficial, temporary, subject to be manipulated, swayed by sudden winds of passion. It showed a singular aptitude for affairs on the part of scores of unknown men in the widely separated communities of the country that this new, miscellaneous and occasional assembly should be so promptly devised, so easily handled, and so rapidly made into an established instrument of party government. By 1852 the nominating convention had already become the regular means by which party policy was to be determined and the *personnel* of the federal Executive chosen.

The parliamentary *régime* had broken down because there was no organised method of leadership in Congress and no responsible ministry at the head of a dominant party and of the law-making Houses. The President's "cabinet," though in the early years selected from among men who had seen service in Congress and were the known and acknowledged leaders of their party, had never had a place on the floor of Congress. Congressional committees had for many years after the foundation of the government accepted the suggestions of the President and his advisers in matters of legislation; bills had often been framed in the executive departments which the Houses showed themselves very ready to adopt; and the early Presidents had counted upon exercising a guiding influence in legislation as a natural prerogative in view of their position as accepted representatives of the nation. But Congress had by degrees broken away even from this private connexion with the executive, this connexion of advice and common counsel; and there had never been any public connexion whatever. The Houses looked more and more exclusively to their own committees or to their own private members for the bills which they were to act upon, and grew more and more jealous of "outside" suggestions or assumptions of parliamentary leadership. There was still always a nominal "Administration" party, and always a party also of the "Opposition," in the House and Senate; but the "Administration" party had grown every session more and more disposed to dictate to the President rather than submit to his leadership; and Congress was not homogeneous enough to follow distinct or consistent lines of action. It was itself a miscellaneous body, made up, as the nominating conventions were made up, by the free, non-co-operative choice of separate and differing localities. There was no responsible leadership either in Congress or out of it. And so irresponsible leadership was substituted, the leadership whose function was in the electoral districts, in local campaign committees, in newspaper offices, in the management that was private and away from the forum of debate

where questions of statesmanship seemed the determining factors in affairs.

The effect upon parties was profound, and, when the slavery question forced its way to the front, revolutionary. Local movements of opinion readily made themselves felt in nominating conventions. The delegates from particular localities reflected the most recent opinion of the people from amongst whom they had come; the business of a convention was not to frame legislation, or even to say how it could be framed, but only to reconcile and express opinion; the initiative was with any one who could command the votes. If men of radical views found themselves silenced or ignored in the convention of the party with which they had been in the habit of acting, they could break away and organise a convention of their own. New parties were continually springing up in times of agitation, drawing strength from the old parties, diverting attention to new and singular issues which had found no place in the ordinary party programmes, making the task of statesmanship and consistent legislation so much the more difficult and perplexing, and weakening parties without guiding them. The whole system facilitated group movement and an insistence on separate and sectional issues. Group movement inevitably made the regular parties nervous, vacillating, uncertain of their strength, prone to compromise and artificial make-shift reconciliation.

It was by such a process that the virtual dissolution of parties was being made evident in the years which preceded and followed the year 1852; and the question of slavery was the chief dissolvent. The feeling against slavery had grown very rapidly of late: not the feeling that slavery ought to be abolished in the States in which it was already established — for everyone knew that there it was a matter which the Constitution left entirely to the choice of the several commonwealths themselves and put beyond the reach of federal legislation, and beyond the reach therefore of national parties — but the "Free-Soil" feeling, the feeling against every attempt to extend the slave-holding system to new regions of settlement and force it upon new States. America had shared with the rest of the world the great philanthropic movements of the earlier part of the century. An "American Anti-slavery Society" had been established in 1833, the year which witnessed the abolition of slavery throughout the British Empire; and the men who organised that Society desired what William Lloyd Garrison demanded in the columns of the *Liberator*, founded two years before, the immediate and total abolition of slavery throughout the country, with or without the sanction of the Constitution; or, if that were indeed impossible, then the separation of the Free States from the Slave, in order that they at any rate might be purged of the offence. But such sentiments and purposes had not spread among the mass of the people. The institutions of the country had been built from the first, deliberately and consciously built,

and in the sight of all the people, upon law ; and a singularly vivid legal sense everywhere pervaded the nation. No one to whom the country gave serious heed proposed any interference whatever with slavery in the South or in any Slave State. But the number steadily grew of those who demanded that the purpose of the Southern leaders to obtain new territory for slavery in the West should be checked and defeated : it grew not only in New England, where the abolitionists were most numerous, but grew also, and assumed an even more practical tone and definite way of action, in the Northern tier of States to the westward, where free communities in Ohio, Indiana, Wisconsin, and Illinois lay in close vicinity to the lands concerning which the fight for "free soil" as against slavery must be fought out. Wherever there were new communities but just springing up, there was a fresh choice to be made, it seemed, with regard to slavery, in spite of nominal compromise after compromise, notwithstanding so-called settlement after settlement of the matter, in Congress. It was a question always open or to be opened until it should break national parties asunder. It could never be closed so long as unoccupied territories were at hand for which the fateful choice remained to be made.

It was the independent groups of thinking men who had made up their minds to resist the extension of slavery that began the work of disintegration which by 1852 had gone so far. At first they deliberately avoided the formation of an independent political party. They were of both parties, Whigs and Democrats ; they felt the compulsion of party allegiance still strong upon them, and rejected with unaffected distaste every proposal to break away from and oppose their old associates, whose creed and practice alike they still relished and sympathised with in most things. They realised, too, the weakness and probable instability of a party whose existence was founded, and staked, upon a single issue. For long, therefore, they contented themselves with questioning individual candidates for Congress, named by the regular parties, concerning their opinions and purposes upon the slavery question, and gave or withdrew from them their support according as their replies pleased or displeased them. It was only when they saw how ineffectual this must prove, how casual, unsystematic, haphazard, that they found themselves at length constrained to take independent action. Then at last they held their own conventions, and even ventured their own independent nominations for the presidency, assuming the *rôle* of a national organisation, a distinct Free-Soil party. Democrats and Whigs alike joined them at first ; but as time went on it turned out that they were to draw their strength from the Whig rather than from the Democratic ranks. The Democratic party depended for its organisation and leadership upon the South much more than the Whig party did. It formed its purposes with regard to slavery, therefore, much more readily and confidently, and kept up its spirit much more naturally

and spontaneously in the face of the accumulating difficulties of the time : so that timid and busy men, and men accustomed to follow leaders and take their cue in politics from the clearest and most confident voices, left off doubting and searching for a party and followed it, electing Pierce and leaving the Whig party to go to pieces at its leisure.

The uneasiness of the time showed itself in all sorts of abnormal whims and diversions from the regular game of politics. Utter demoralisation fell upon the Whigs after their defeat in 1852, and, seeing their place vacant, a new and novel party pressed hopefully forward to take it. This was the "American" party, whose motto was, "Americans must rule America." It had been brought into existence by fears concerning the effects which the great foreign immigration of the time might have, under the country's too liberal naturalisation and suffrage laws, upon the control of affairs both local and national. It had not escaped general attention that the political disturbances then so acute in Europe had brought exiles of a new type to the United States, exiled agitators, political malcontents, men likely to be bitter, ambitious, covert, and astute in seeking their objects in a new field ; and the "American" party had been formed to keep the government of the country in the hands of natives of the old stock. The organisation of the party centred in a secret club or Order, with its private councils and governing hierarchy ; but no member of the Order would admit his connexion with it. They all with one accord professed entire ignorance of any such organisation ; and the country dubbed them, with a sort of piqued amusement, "Know-Nothings." Regular party men were inclined to make merry over the mysterious new body. "It would seem as devoid of the elements of persistence," laughed Mr. Horace Greeley, "as an anti-cholera or an anti-potato-rot party would be." Nevertheless the Know-Nothings showed surprising vitality. To join them seemed to many of the disconcerted Whigs a hopeful way of withdrawing attention from the troublesome slavery question. In the large towns and more populous cities, too, their objects seemed very practical and desirable indeed ; for there the new immigrants naturally thronged and made themselves at home in threatening numbers, and showed an ominous indifference to American standards of life and action. For one reason or another, therefore, this singular party drew strength to itself and played for a little while the *rôle* of political successor to the Whigs.

Politics moved upon a confused stage during the next eight years, years of critical interest every one of them; but determining events followed each other in quick, unbroken succession. A storm gathered and burst, and the crisis all had waited for and dreaded came at last. For a little while it seemed as if the presidential and congressional elections of 1852 had cleared the air and restored a certain calm to affairs. If other parties had been broken and thrown into confusion, the Democrats at

least were united and in full possession of power. The Free-Soilers had lost, not gained, in strength. President Pierce made William Marcy his Secretary of State, a man who exercised authority as a member of the "Albany Regency," a group of astute politicians in the State of New York who understood better than any other men in the country the new art of organising conventions, and of turning local majorities not only to local but also to national use. Jefferson Davis of Mississippi had become Secretary of War, and brought to the support of the new Administration the great southern wing of the victorious party. The new heads of the government seemed established in the confidence of both sections of the country, supported alike by perfected party machinery and by a decisive general sentiment, and served and guided by capable, masterful men familiar with the movements of opinion. Both in Congress and at the executive mansion the Democrats took heart to be very bold, and to show their mastery.

Before the year of his installation was over, President Pierce had purchased still more territory from Mexico, in the region to which it seemed most likely that slavery would ultimately be extended. He had really little choice in the matter. Mexico still claimed a considerable tract of land in the far south-west which the United States deemed included in the cessions of the treaty of Guadalupe Hidalgo, a tract of more than forty-five thousand square miles lying to the south of the Gila river; and a Mexican army, under the notorious Santa Anna, had actually entered the region, as if to renew the war if Mexico's claim were not admitted. Pierce rightly thought it a prudent act of statesmanship to purchase the disputed territory for ten million dollars. The purchase was effected through Gadsden, of South Carolina, in December, 1853; and the anti-slavery men everywhere noted the transaction with profound chagrin.

But worse was to follow. Bad as it seemed to Northern men to purchase new lands which must stand open to slavery, under the compromises of recent legislation, at any rate until the day when States should be erected upon them, it was of course infinitely worse to abandon those compromises altogether, and deliberately open every part of the country not yet formed into States to the spread of the fatal institution. And yet that was what Stephen A. Douglas actually proposed and carried through Congress before the end of May, 1854. He was one of the senators from Illinois, and was but forty-one years of age, full of the rude, straightforward strength and audacity which showed him to have been bred in the free communities of the Western country. He had been born in Vermont, but had gone West as a lad to make his way, and had there grown into the short, square, coarse-fibred, thick-limbed, aggressive, vehement, eloquent man who seemed in the Senate a sort of dwarfed giant, compact of the energy and daring of the West. He confidently deemed himself, what many accepted him to be,

the spokesman and leader of his party in Congress. He more boldly and explicitly than any other man pronounced the question of the extension or exclusion of slavery where the Western lands were filling up a thing to be determined by the settlers themselves, upon a free principle of self-government with which Congress and the federal authorities ought not to interfere. And there was a particular part of the Western country to which he wished to see his principle applied at once. This was the broad "Platte country" which lay within the Louisiana purchase to the northward and westward of Missouri. Across it ran the direct overland route to the Pacific, along which frequent waggon-trains moved to and fro between California and the East. There was some danger that it might be assigned as a reservation to the Indians and closed to settlement; and ever since 1843, when he was a member of the House of Representatives, before the days of the Mexican cessions, Douglas had been urging the erection of this great stretch of prairie into a Territory, not as a road to the Pacific — for in those days no one knew of the gold in California — but as a new home for settlers and commonwealths.

Early in January, 1854, being chairman of the Senate's Committee on Territories, and seeing his own party in power, he returned to his favourite scheme and introduced a bill which provided for the creation of a Territory to be called Nebraska, in the Platte country. Every previous proposal for the erection of Territories within the region covered by this bill had assumed, as a matter settled and of course, that slavery was to be excluded from it, under the Compromise of 1820; for it lay north of the southern line of Missouri; but this bill explicitly provided that the States subsequently to be formed out of the new territory were to be left to decide the question of the introduction of slavery for themselves, in accordance with what Senator Douglas called the principle of "popular sovereignty." His opponents called it the doctrine of "squatter sovereignty." The bill was presently withdrawn and amended. When reintroduced from the Committee on January 23, it provided for the creation of two Territories instead of one — a Territory of Kansas, west of Missouri, and a Territory of Nebraska, north-west of the old compromise State. But the "Kansas-Nebraska Bill" did not differ from the measure for which it was substituted in the matter of slavery. It was declared in the new bill to be the "true intent and meaning" of the Act, "not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to regulate their domestic institutions in their own way, subject only to the Constitution of the United States." It extended all laws of the United States, including the Fugitive Slave Law, to the new Territories, but explicitly excepted "the eighth section of the Act preparatory to the admission of Missouri into the Union," — the compromise section, which had been considered one of the foundations of national politics. That

section it pronounced "inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognised by the legislation of 1850," and expressly "declared inoperative and void."

It was certainly an astonishing measure, conceived in the true spirit of the school of statesmen to which Senator Douglas belonged. No doubt its very audacity was what chiefly commended it to Douglas; no doubt, too, he believed it strategically as wise as it was daring. The Southern men had never dreamed of demanding a measure which should repeal the now venerable Missouri Compromise, and open all the Territories to slavery; parties wanted nothing so much as rest and oblivion of past excitements, if that might be had; a session of ordinary routine would have been welcomed on all hands as a pleasing programme of peace. But to the party leaders who hearkened to Douglas' counsels it seemed best to use their present power to have done with compromises and make all the future plain by the adoption of the simple, obvious, and consistent principle of "squatter sovereignty." Unexpected and revolutionary as the Bill was, it of course pleased the slavery men extremely, and majorities were found for it in both Houses. In the Senate 37 to 14 was the vote; and in the House 113 to 100. Forty-four Northern Democrats voted against the measure in the House; but as many more were ready to follow Douglas. Nine Southern members looked askance at the new thing and voted "No"; but most of them received it gladly. On May 30 the President signed the Bill, and it became law. He had been consulted beforehand about it, as it seems, and had expressed his approval of it, saying that he thought it founded "upon a sound principle, which the Compromise of 1820 infringed upon," and to which he was willing to return.

Notable debates had accompanied the passage of the Bill. There were men in both Houses who were ready to speak very plainly even upon this most thorny question. The most noticeable and influential group of these was to be found in the Senate. There William H. Seward, of New York, and Salmon P. Chase, of Ohio, had been since 1849. The elections of 1849 had turned in no small degree upon the question of the extension of slavery to the great Pacific region then newly acquired from Mexico; and the Whigs of the New York legislature had sent Seward to the Senate to represent them in their wish that the new soil might be free soil. Chase had been chosen by the Democrats of the Ohio legislature to perform a like service for the "Free-Soilers" of his party. They wanted no new party. They held still very loyally to their party connexions. But upon the subject of slavery their convictions would admit of no compromise. Four years before, in the debates on the compromise measures of 1850, Seward had declared that he deemed the common domain of the Union in the West devoted to justice and liberty not only by the Constitution but

also by "a higher law than the Constitution"; and had earnestly avowed the conviction that slavery even within the Slave States must eventually give way "to the salutary instructions of economy and to the ripening influences of humanity." "All measures which fortify slavery or extend it," he declared, "tend to the consummation of violence: all that check its extension or abate its strength, tend to its peaceful extirpation." This was a new voice and counsel in affairs; but since 1850 four more aggressive men of the same way of thinking had come to recruit Seward and Chase in the Senate. Ohio had added Benjamin Wade; New York, Hamilton Fish; Massachusetts had sent Charles Sumner, and Vermont Solomon Foote; and Douglas had been obliged to take account of the rising influence of every one of these in debate and upon the opinion of the country. He ought to have been warned as much by the conservative temper as by the radical speech of such a man as Charles Sumner. Sumner spoke upon occasion words of passion, but never words of revolution. He knew the limits of the Constitution and did not wish to transcend them. He had no desire, he said, to touch the system of slavery where it was already established as part of the social order and upon foundations of valid law; but he did mean to resist its extension to the utmost, and brought talents of no mean sort to the task. He believed it demonstrable that the Constitution gave Congress complete power, over this as over every other matter, in the Territories.

Nothing, however, shook the confidence or daunted the audacity of the Democratic leaders. Every compromise was abandoned, even the Compromise of 1820, which had stood and been reckoned on for a generation. The settlers upon new lands must be permitted to admit or exclude slaves as they chose. But when? Now, while the districts they were setting up homes in were under federal law as Territories; or after a while, when all the first processes of settlement were past and finished, and the time had come to frame a State constitution? The Kansas-Nebraska statute did not answer that question; but no practical man, of the stuff that settlers are made of, could hesitate long what answer must be given. It would be too late when the time for constitution-making came: by that time facts would have effectually answered it. Either the Territory would then be full of slave-holders with their slaves, or it would not be. Whoever should possess the land would make its laws. The federal authorities, it seemed, were to stand aside, neutral, uninterested: thus, then, it must be determined by the fact of possession, by whoever should have the power. Douglas and his followers must have been startled to observe how instantaneously the country saw and acted on these very obvious and practical considerations; and must have trembled when they saw a race for possession turn into civil war.

There was no longer debate; that was ended, and argument gave

place to action. Kansas became the theatre of a perilous appeal to fact, which turned out to be an appeal to force. A Slave State lay neighbour to it on the east, and slave-owners were the first to pour across its borders and occupy it against the day of final settlement; but, though the men out of the Free States came later, they came in hosts and companies when they did come; they had behind them the organised assistance of societies and large funds subscribed in the Free States of the North and East; and they came bringing arms as well as tools. The country almost held its breath as it waited to hear what news should come out of Kansas; and it had not to wait long before it knew. Within two years the demoralising game for power there had been played and lost and won — won by the settlers out of the Free States; but not before blood had been shed and federal troops sent in to prevent anarchy. The Missouri settlers, being first on the ground, had very promptly acted upon their initial advantage; had organised a territorial government; and had enacted stringent penal laws against whosoever should in any way interfere with the introduction or perpetuation of slavery. But the Free-State settlers, pouring in from the North, ignored what the Missouri men had done and attempted to set up a government of their own. When they found that course forbidden by the federal authorities, they took the other, of sending majorities to the polls where a new territorial legislature was to be chosen. Partisans on both sides went armed; there were fatal riots at the voting places; blood was shed deliberately and by plot as well as in the heat of sudden brawls; fearful days of embittered passion in the distracted Territory made men everywhere presently talk of "bleeding Kansas"; but out of the fire came a definite enough settlement at last. A Free-State majority established "squatter sovereignty" very effectually; and by midsummer of 1856 the House of Representatives had passed a bill, which the Senate rejected, for the admission of Kansas into the Union under a constitution which forbade slavery.

Here was evidence plain enough for any man to read of the beneficent operation of Douglas' pretty theory of popular right in the organisation of Territories and the formation of States. The country saw with sad forebodings what it meant; partisanship everywhere was inflamed and put in a mind to go any lengths of violence; individual passion broke through all restraints; and prudent men were sore put to it to keep their comrades in affairs to the sober ways of moderation and law. It was in May, 1856, that Preston Brooks, a young Carolinian member of the House of Representatives, strode into the Senate and assaulted Sumner where he sat, for words of personal bitterness uttered in debate, striking him to the floor insensible; and it was one of the unhappiest signs of the times that such an act of blind anger and passionate folly was condoned and even applauded, not condemned, by the constituents of the man who had done it. No wonder excitement

gathered head and statesmen grew infinitely uneasy when such things could happen.

The year 1856 brought another presidential election. It was a year, therefore, when every force that was astir came into the open and added to the manifest and perplexing confusion of affairs. There had been signs beforehand of what was coming. In the autumn of the very year in which the Kansas-Nebraska Bill was carried through the House of Representatives (1854), the majority which had carried it was destroyed. All "Anti-Nebraska men" drew away from it to destroy it. They did not draw together. Though "Free-Soilers," they did not relish as yet the idea of connecting themselves with the separate and avowed Free-Soil party; but joined themselves for the nonce to any independent group which promised them the satisfaction of uttering their protest against what the Democrats were doing, without withdrawing them wholly from their old allegiance. It was then that the Know-Nothings had their opportunity. A great many of the most deeply discontented voters were Whigs. They were still sensible of the compulsion of their lifelong party feeling; and it was more palatable to them to be Know-Nothings than to join with radicals who seemed inclined still further to jeopardise the peace of the country by forcing the formation of a party of revolt, upon the single and dangerous issue of slavery. In the elections of 1854, therefore, the Know-Nothings not only secured a number of seats in Congress but also elected their candidates for the governorship in Massachusetts and Delaware; and within another year they had actually carried the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Kentucky, and California, besides polling votes which fell very little short of being majorities in no less than six of the Southern States, where the proper issues of the "American" party had no natural place or significance at all.

The House of Representatives chosen in the autumn of 1854 presented a curious and hitherto unknown medley of groups and elements: Democrats, Anti-Nebraskamen, Free-Soilers, Southern pro-slavery Whigs, and Know-Nothings — no regular Whig party being left, and as yet no fixed or certain combination of parties to fill its place. It took two months to elect a Speaker and organise the House for business; and, by the time that was done, the year had arrived in which a new President must be elected, and parties were once more re-forming for a fresh contest for the control of the Executive. When once the process of recombination had been definitely and deliberately begun it was pushed forward to its consummation with extraordinary rapidity. Before the presidential campaign of 1856 had been set in order for the time of voting, a new party was in the field, strong, confident, aggressive. Almost all "Anti-Nebraska men," of whatever former allegiance in politics, had drawn together as the "Republican" party; and the first year of their new organisation did not go by before they had won

popular majorities in fifteen States, elected or won over to themselves one hundred and seventeen members of the House of Representatives, and secured eleven votes in the Senate. Representatives of all the older parties came together in their ranks, in novel agreement, their purposes mastered and brought into imperative concert by the signal crisis which had been precipitated upon the country by the repeal of the Missouri Compromise. They got their programme from the Free-Soilers, whom they bodily absorbed; their radical and aggressive spirit from the Abolitionists, whom they received without liking; their liberal views upon constitutional questions from the Whigs, who constituted both in numbers and in influence the commanding element among them; and their popular impulses from the Democrats, who did not leave behind them their faith in their old party ideals.

The contest for the presidency narrowed itself at once to a struggle between the Democrats and this new union of their opponents. The Know-Nothings met in convention in February, and nominated Fillmore; but when it came to the vote in November they succeeded in choosing their electors nowhere but in the little State of Delaware. The Republicans could not hold a really national convention: no States south of Delaware, Maryland, and Kentucky sent delegates to assist them at their nomination; and they nominated no statesman of their new faith, but John C. Frémont, a popular young soldier who had aided very efficiently in the conquest of California in the war with Mexico, and who had hitherto been reckoned a Democrat. In the election, nevertheless, they secured one hundred and fourteen electoral votes for their candidate, as against one hundred and seventy-four for the Democratic nominee. They carried every State of the north and north-west except Pennsylvania, New Jersey, Indiana, and Illinois; showed themselves practically the only party of opposition in the north-west; and polled a popular vote of 1,341,264, to their opponents' 1,838,169. The political field of battle was once more ordered and in set array. The issue had been very definitely joined. The Democrats had nominated James Buchanan, of Pennsylvania, who was then the Minister of the United States in London. He had been out of the country during these last years of heat and bitterness; but the platform of principles adopted by the convention which nominated him had endorsed the Compromise legislation of 1850 and what was now known to be its natural corollary, the repeal of the Missouri Compromise, as explicitly as the Republicans had repudiated them; and Buchanan himself had joined with the American ministers in France and Spain (October 18, 1854) in advising the government of the United States to acquire the island of Cuba, — by purchase if possible, by force if necessary. That was in substance to advise, as the country then looked at it, the addition of more slave territory; and the advice had been tendered just after the Gadsden purchase in the south-west, and at a time, as it presently appeared,

when lawless men were planning and organising armed expeditions for the conquest of still more slave territory in Central America. Buchanan's election to the presidency meant the ascendancy, at least for a time, of the party which, frankly enough, supported the Southern interest.

The four years of his term of office (March 4, 1857, to March 4, 1861) afforded space enough in which to fight the battle of parties to a finish. For a little while the anxiety of the country was diverted from politics to business. The year 1857 was a year of very serious commercial depression, paying the penalty for years of confident and adventurous speculation. For ten years, since 1846, the country had felt the exhilaration and excitement of a rapid business expansion, which the discovery of gold in California had greatly quickened. Capital had run confidingly to new enterprises; loans had been easy to get; railroads and steamships had opened the channels of commerce, old and new, wider than ever before, both at home and abroad, and had greatly multiplied its routes in every direction; an era of invention had accompanied and occasioned unprecedented advances in the mechanic arts, affecting both agriculture and manufactures. Under the unwonted stimulus, sound business methods had not unnaturally given place to reckless speculation. Money was quickly enough invested, but was very slow to yield an increase. Enterprise after enterprise proved a dead loss. The banks of the country afforded no currency that could command confidence. Each State chartered banks of issue, and made its own laws, good, bad, and indifferent, for giving credit to their notes. There was no national regulation or oversight; no one could know which issues were safe, which unsafe. Enterprise was paid for in promises to pay, until of a sudden there came a day of reckoning: the inevitable contraction of loans; a season of failures and disillusionment; hard fact in the place of hope; painful disclosures of wholesale dishonesty, of defalcations and systematic fraud. The entire fabric of business came down with a crash, and panic had a long and doleful reign.

The population of the country had kept to its steady rate of increase from decade to decade as if unaffected by politics, — every ten years showing an increase of from thirty-two to thirty-five per cent. The decade 1850–60 was no exception. The numbers of the census rose by more than eight millions. But it was impossible that population should follow industry as fast as it was being pushed between 1846 and 1857. Railroads were built where there were neither farms nor towns to support them; sometimes upon open reaches of the continent, which the plough had never touched. The federal government had helped trade forward as it could. In 1850, while the great migration to the gold-fields of California was in full stream, it had seemed certain that an inter-oceanic canal would be cut through the Isthmus of Panama, and a most enlightened and satisfactory treaty with regard to its political oversight, its neutrality and disinterested management for the use of the world,

had been entered into by Great Britain and the United States, — a treaty known in the United States as the Clayton-Bulwer Treaty, because negotiated by John M. Clayton, President Taylor's Secretary of State, and Sir Henry Lytton Bulwer, the British Minister. In 1854 trade had obtained the advantage of a reciprocity treaty with Great Britain, by which important rights were given and taken in respect of commerce with the British possessions in North America and the fisheries of New England and Nova Scotia ; as well as of a treaty with Japan, negotiated by Commodore Perry, which secured a beginning, at any rate, of commercial intercourse between that country and the United States. But no growth of population or facilitation of trade could keep pace with the artificial work of speculation. The bubbles of fatuous enterprise were pricked, and a crisis of wholesale loss, panic, and depression occurred in spite of every token of trade and profit to come.

Congress did what it could to relieve the distress. It was feared that the high tariff rates then prevailing were drawing too much of the money needed by the banks into the Treasury of the United States ; and a modification of the tariff laws was promptly effected, in the short session of Congress which followed the elections of 1856. Party interests no longer centred in financial questions : slavery had drawn passion off, and the congressional leaders co-operated with singular temperateness and sobriety in a modification of the law. Many of the raw materials of manufacture were put on the free list, and the duty on protected articles was reduced to twenty-four per cent. That was all that the government could do. The crisis could not be prevented. Throughout the year trade and industry were at a hopeless standstill : the autumn brought no revival. There was nothing for it but to wait for a slow and painful recuperation.

Even in the presence of almost universal pecuniary distress or anxiety, politics seemed inevitably to take precedence of every private concern. President Buchanan's inauguration occurred in the very midst of the troubled times in Kansas, when the struggle there still hung in a doubtful balance ; and he had been in office but a few days when the Supreme Court of the United States pronounced a decision which added a new and deeply significant element both to the importance and to the excitement of the contest in the unhappy Territory. This was its decision in the case of Dred Scott *v.* Sandford. Dred Scott was a negro slave whose master, an army surgeon, had carried him for a brief period of residence first into the State of Illinois, where slavery was illegal, and then to a military post situated in the public domain further to the westward from which slavery had been excluded by the Compromise legislation of 1820 ; afterwards returning with him to Missouri, his home. The negro claimed that his residence in the free State of Illinois had operated to destroy his master's right over him ; and the case instituted in his behalf before the Courts had come at this critical

juncture, by appeal, to the Supreme Court. That tribunal held that the lower Court had had no jurisdiction: that Dred Scott, at any rate after his return with his master to Missouri, was a slave, and not a citizen, and had no standing in the Courts. That was the only point it was necessary to decide, and might have ended the matter. But a majority of the judges persuaded themselves that they should go further and expound the whole question of the status of slavery in the Territories of the United States, though they must in doing so, in the opinion of every discriminating lawyer, be speaking *obiter*. Chief Justice Taney, speaking for a majority of his colleagues, declared it the opinion of the Court that it was not within the constitutional power of Congress to forbid citizens of any of the States to carry their property, no matter of what sort, into the public domain, or even to authorise the regularly constituted legislature of an organised Territory to forbid this, though it were property in slaves: that only States could regulate that matter. If this were law, the Missouri Compromise had been invalid from the first; even "popular sovereignty," to which Douglas looked for the settlement of the question, could do no authoritative thing until it spoke its purpose in a State constitution. The Free-Soilers were beyond their right at every point.

To the Republicans the decision could seem nothing less than a stinging blow in the face. They were made to feel the smart of being stigmatised as disloyal to the Constitution. No doubt the judges had thought to quiet opinion and sustain the legislation of 1854; but instead they infinitely exasperated it. Their judgment gave the last touch of dramatic interest to the struggle in Kansas, now nearing its turning-point and culmination. In October, 1857, the Free-Soil settlers of Kansas got control of the territorial legislature at the polls; but not before the pro-slavery men, hitherto in power, had made a last attempt to fix slavery upon the future State. They had hastened before the autumn elections came on to assemble a convention and frame a constitution (September, 1857), and to see that their application for admission to the Union was at Washington in due form before the Free-Soil men could intervene and undo their work. President Buchanan decided to sustain them, judging at least the formal right of application to be really theirs. But Congress would not go with him. It was Democratic in both houses; but Douglas remembered his principles with manly consistency. It was known before Congress acted that a majority of the voters of the Territory did not in fact desire a pro-slavery State constitution; and he would not force a constitution upon a majority. There were members enough in his immediate following to control the action of the Houses, and Kansas was refused admission to the Union — pending the further contest of parties.

President Buchanan's Administration inevitably incurred the suspicion, throughout all this trying business, of being conducted in the

Southern interest; and in the excitement of the time the President was suspected of things of which he was quite incapable. It was charged and believed that the decision of the Supreme Court in the Dred Scott case had been a thing concerted between the President and the Chief Justice, though the President's character made such a calumny inexcusable. He was a man of unsullied integrity, and punctilious in the performance of what he considered to be his duty. He was past the prime of life, had never possessed great courage or any notable gifts of initiative, and of course suffered himself to be guided by the men whom he regarded, and had good reason to regard, as the real leaders of the Democratic party. Only two States in the North had voted for him, and only two in the North-west: the Democratic party, which had chosen him President, was, happily or unhappily, in fact a party chiefly manned and guided from the South. He had called Southern men of influence into his Cabinet in whose character and capacity he justly and implicitly believed. He took their advice because he believed it to be honest and authoritative. But the country grew infinitely restive and uneasy to see one section rule. It was Mr Buchanan's chief fault, if fault it was, not that he yielded to improper influences, as his opponents unjustly believed, but that he did not judge and act for himself. He was weak; and weakness was under the circumstances fatal.

The year 1858 brought abundant signs of a great reaction, and it soon became only too plain that the Democratic party was driving the bulk of the country into opposition. It was the year of a general election. As the autumn approached, those who watched affairs found the critical issues of the time more and more sharply fixed and determined in their thought, and their convictions grew more and more vivid and definite. Nothing conduced more to this result than a notable debate reported from Illinois. The Republicans of Illinois had made a determined effort to keep Douglas from re-election to the Senate. They had announced that, should they succeed in obtaining a majority in the State legislature, they meant to send Abraham Lincoln to the Senate in Douglas' stead; and the autumn campaign in Illinois became for ever memorable because in its course Douglas and Lincoln went about the State together and argued their claims for support face to face, upon city platforms and upon country platforms, in the presence of the voters. The striking individuality of the two men gave singular piquancy to the contest as well as their power of straightforward, unmistakeable definiteness of speech. Douglas was a national character, one of the acknowledged leaders of a great party; Lincoln was a comparatively unknown man, a shrewd lawyer and local politician. His long, gaunt, ungainly figure, his slouching gait, his homely turns of phrase marked him a frontiersman. His big, bony hands had wrought at the hard tasks of the forest and the farm. But his rough exterior did not repel the plain people to whom he spoke, alongside the more adroit and

finished Douglas; and no one could hear his speech and think him common. He had taken his own way of learning to the bar. The passion for letters had been strong upon him since a boy, and his self-training had with unerring instinct followed a fine plan of mastery. By reasoning upon the principles of the law, as they came to him out of a few text-books, by poring upon books of mathematics, by reading up and down through such books of history or adventure as fell in his way in search of the experience of other men, by constant intimacy of talk and play of argument with men of every kind to whom he had access, he had made himself a master of brief and careful statement, of persuasion, and of oral debate: thoughtful, observant, steering in what he said by an unfluctuating compass of logical precision, and above all lucid, full of homely wit and anecdote such as was fit to illuminate practical subjects, and uttering phrases which found the heart of what he talked of, sometimes phrases which struck his opponent like a blow, but fair, unmalicious, intellectual, not passionate.

His definition of the matter to be settled between the parties was characteristic of him. "A house divided against itself," he said, "cannot stand. I believe this government cannot endure half slave and half free. I do not expect the house to fall, but I expect it will cease to be divided. It will become all one thing or all the other." Douglas found him a very uncomfortable antagonist, who drove him to awkward admissions. Before their debate was over Douglas was no longer within reach of the presidency; and Abraham Lincoln had won the ear of the whole country. The Southern men could not vote for Douglas as the nominee and spokesman of their party. He had been forced under Lincoln's fire to admit that Congress could not empower a territorial legislature, its own creature, to do what, if the Dred Scott decision spoke true law, it was itself unable to do; that Southern settlers, therefore, could no more legalise slavery within a Territory than Northern settlers could exclude it: that "popular sovereignty" was no solution, after all. The Republicans did not obtain a majority in the Illinois legislature; Douglas went back to the Senate; but he went back weakened and with loss of authority. The elections of the autumn, taking the country as a whole, gave the Republicans success enough to show how near at hand a crisis was. They increased their numbers materially in both House and Senate, carried Buchanan's own State of Pennsylvania by a handsome majority, and made it very evident that opinion was swinging their way. In the House of Representatives, indeed, they were put in a position of virtual control: for no coherent party had a working majority there. The "Douglas Democrats," who had refused to vote for the admission of Kansas with a pro-slavery constitution, were now hardly an integral part of the Democratic party; there was still a group of twenty-two Know-Nothings; and the Republicans held the balance of power.

And yet the President and his advisers were by no means daunted. It was after the elections that Buchanan sent his annual message to Congress ; and in it he insisted that the United States ought to secure possession of Cuba, assume a protectorate over several of the nearer States of the dissolving Mexican republic, and establish definite rights of control over the Isthmus. He was still, as the Republicans read his motives, bent upon the acquisition of slave territory. The entrance of the Republican party upon the stage of politics had singularly quickened the pace of affairs. Its clear-cut, aggressive purposes seemed to give definiteness also to the Democratic programme. A sharp rigour pervaded the air. It startled conservative men to feel the movement as of revolution in the stir of opinion. Such debates as now marked the whole course of politics, such contests uncompromisingly provoked and ordered, gave plain threat of what all men dreaded, of disunion, — nothing less. The South explicitly threatened disunion, and yet disliked it as intensely and almost as unanimously as it resented the exclusion of slavery from the Territories. The North dreaded disunion infinitely ; and yet dreaded the unchecked and general ascendancy of the slave-interest even more. Both sides pushed forward ; but both with a great fear at their hearts. A sinister fate seemed riding at the front of affairs.

The power which obviously grew was the power of the North ; the power which waned and was obviously threatened with extinction was that of the South. In May, 1858, the free State of Minnesota entered the Union, under an enabling Act passed by the last Congress of President Pierce's administration ; and in February, 1859, the free State of Oregon was admitted by the Congress which had refused to admit Kansas under a pro-slavery constitution. Until 1848, when the slavery question came finally to the top in politics, the sections had balanced one another in the Senate : there were as many slave-holding States as free, — thirty senators from States which legalised, thirty from States which forbade, slavery. But now the balance was destroyed, as Calhoun had foreseen it would be : there were still not more than thirty senators from slave-holding States, while there were thirty-six from free States. In the House the numbers stood at ninety to one hundred and forty-seven. For in the House population was represented ; and the South, which had stood equal with the North in numbers at the making of the Constitution, had long since fallen far behind. Not only had the population of the North grown very much faster, but to the North had been added the great makeweight of the North-west, from the whole of which slavery was, in fact if not in law, excluded, and, if the Republicans triumphed, excluded for ever. The ways of compromise were abandoned, discredited : the one section or the other must now secure everything or lose everything.

As if the crisis were not already sharp enough, conspiracy was added to the open battle of politics. On the night of Sunday, October 17,

1859, one John Brown, at the head of a little band of less than twenty followers, seized the United States arsenal at Harper's Ferry in Virginia, meaning to strike there a sudden blow for the freedom of the slaves, and, having set a servile insurrection aflame, make good his retreat to the mountains. It was the mad folly of an almost crazed fanatic; the man was quickly taken and promptly hanged: his flame of war had flickered and died in the socket. But that was not all. Brown was from Kansas; he had come to Virginia, at midsummer in that anxious year 1859, with the stain still fresh upon him of some of the bloodiest of the lawless work done there in the name of freedom: a terrible outlaw, because an outlaw for conscience' sake; intense to the point of ungovernable passion; heeding nothing but his own will and sense of right; a revolutionist upon principle; lawless, incendiary, and yet seeking nothing for himself. He brought arms and means to Virginia with which he had been supplied out of New England, not for use in the South, but for use in Kansas. But Southern men were not in a temper to discriminate. If Northern men would pay for the shedding of blood in Kansas, why not for the shedding of blood in Virginia also? Slavery was the object of the attack, and the slaveholders saw little difference, great as the difference was, between Abolitionists and Free-Soilers. And this terrible warning at Harper's Ferry was of a sort to put even cool men out of temper for just and sober thinking. A slave insurrection meant what it maddened Southern men to think of: massacre, arson, an unspeakable fate for women and children. If this was what "anti-slavery" meant, it must be met and fought to the death, Union or no Union.

It was in such a season of disturbed and headstrong judgment that the presidential campaign of 1860 came on. The Democrats were the first to attempt a nomination; but their convention proved a house divided against itself and went hopelessly to pieces; and the outcome was two "Democratic" nominations. One section of the party nominated Douglas for the presidency; the other, which was the Southern section, named John C. Breckinridge of Kentucky as its candidate. A new party sprang into existence, the "Constitutional Union" party, made up of those who had been Know-Nothings until the Know-Nothing party died of inanition, and of those who had left the other parties but had found it impossible to digest the Know-Nothing creed — of all who feared alike the Democratic and the Republican extremes of policy and doctrine, and still hoped the quarrel might be composed. These nominated John Bell of Tennessee, and declared in a platform of great simplicity and dignity that they recognised "no political principle other than the Constitution of the country, the union of the States, and the enforcement of the laws." The Republicans alone were united and confident. They warmly disavowed all sympathy with attempts of any kind to disturb slavery where it was established by law; but they declared as flatly as ever against the extension of slavery to the Territories;

and they nominated, not Mr Seward, the chief figure of their party, — for many felt a distrust of him as a sort of philosophical radical, — but Abraham Lincoln of Illinois, the shrewd, persuasive, courageous, capable man who had loomed so big in the memorable debates with Douglas three years before. Their convention had sat at Chicago, in Mr Lincoln's own State. The cheers of the galleries and the astute combinations and diplomacy of his friends in their work among the delegates had played as great a part as his own gifts and popularity in obtaining for him the nomination. But when once he had been named the whole country began to see how wise the choice had been. Eastern men for a little while looked askance upon this raw Western lawyer and new statesman: but not after they had heard him. And when the votes were counted it was found that he had been elected President of the United States. One hundred and eighty of the electoral votes went to him; only one hundred and three to his three opponents combined.

It was a singular result, when analysed. The electoral votes of Virginia, Tennessee, and Kentucky had gone to John Bell, the nominee of the "Constitutional Union" party; the rest of the Southern votes had gone to Breckinridge; Douglas had received only the votes of Missouri and three of the nine votes of New Jersey. And yet, although these amounted to but one hundred and three votes altogether in the electoral college, the total popular vote at the back of them was 2,823,741, as against a popular vote for Lincoln of only 1,866,452, — a popular majority of almost a million votes against the Republicans, — so large was the aggregate minority in the States whose electoral votes the Republicans had won. It was a narrow victory, no popular triumph; and Lincoln, like the other leaders of his party, was disposed to use it with the utmost good temper and moderation.

But Southern men took no comfort from the figures and did not listen to protestations of just purpose. They looked only at the result, saw only that the government was to be in the hands of the Republicans, regarded the defeat as final and irreparable. Their pride was stung to the quick by the unqualified moral censures put upon them by those who were now to be in power. "The whole course of the South had been described as one of systematic iniquity." Mrs Stowe's striking and pathetic picture of what slavery sometimes led to, in her *Uncle Tom's Cabin* (1852), had been accepted in the North and by the English-speaking world at large as a picture of what it usually led to. "Southern society had been represented as built upon a wilful sin; the Southern people had been held up to the world as those who deliberately despised the most righteous commands of religion. They knew that they did not deserve such reprobation. They knew that their lives were honourable, their relations with their slaves humane, their responsibility for the existence of slavery amongst them remote"; and that now those who had most bitterly and unjustly accused them were to become their

rulers. It seemed to them, too, that the North itself had of late practised nullification in its fight against them. More than a score of the States had passed "personal liberty" laws which were confessedly intended to bar and render impracticable the enforcement of the Fugitive Slave Law. The South Carolina legislature, which itself chose the presidential electors of the State, had remained in session to learn the result of the election. When it knew that Lincoln was to be President, it summoned a Constitutional Convention, which severed the State's connexion with the Union; and before Lincoln was inaugurated six other Southern States had followed South Carolina out of the Union.

The inevitable disintegration of the Union, by reason of the operation of the institution of slavery, had worked its perfect work. The South, which did not change, had become a region apart; and it now put the Union aside in accordance with the theory with respect to its authority which it conceived to have obtained at its constitution. There was here nothing of the contradiction which seemed to lie at the heart of nullification; the South was not resisting the Union and yet purposing to remain within it. It had taken the final step of withdrawal: the partnership was dissolved. If that were revolution it was at least revolution within the original theory of the law as the South had learned it.

The issue was — slavery? Yes, upon the surface. Perhaps it need never have come to this, had Douglas kept his hand from the law. The movement against slavery had been weak, occasional, non-partisan until the Missouri Compromise was repealed, ten years before. It was that which had brought the Republican party into existence and set the sections by the ears. But now that the breach had come, it did not seem to men in the South merely a contest about slavery: it seemed, rather, so far as the South was concerned, a final question and answer as to the fundamental matter of self-government. There were many men in the South who, while they had no love for slavery, had a great love, a deep inherited veneration even, for the Union, but with whom the passion for the ancient principles, the ancient sentiment, of self-government was greater even than these, and covered every subject of domestic policy. It was this they deemed threatened now. Slavery itself was not so dark a thing as it was painted. It held the South at a standstill economically, and was her greatest burden, whether she felt it to be so or not. Bad men, too, could shamefully abuse the boundless powers of a master. But humane sentiment held most men steadily and effectually off from the graver abuses. The domestic slaves, at any rate, and almost all who were much under the master's eye, were happy and well cared for; and the poor creatures who crowded the great plantations where the air was malarial and where the master was seldom present to restrain the overseer, were little worse off than free labourers would have been in a like case, or any labourers who could live there.

Those who condemned slavery as it existed in the South condemned it unjustly because they did so without discrimination; and those who attacked it with adverse laws seemed to invade the privileges of self-governing States under the Constitution. Thus it was that Lincoln's election meant secession, and that the stage was set for the tragedy of civil war.

For the whole country it was to be the bitterest of all ordeals, an agony of struggle and a decision by blood; but for one party it was to be a war of hope. Should the South win, she must also lose — must lose her place in the great Union which she had loved and fostered, and must in gaining independence destroy a nation. Should the North win, she would confirm a great hope and expectation, establish the Union, unify it in institutions, free it from interior contradictions of life and principle, set it in the way of consistent growth and unembarrassed greatness. The South fought for a principle, as the North did: it was this that was to give the war dignity, and supply the tragedy with a double motive. But the principle for which the South fought meant standstill in the midst of change; it was conservative, not creative; it was against drift and destiny; it protected an impossible institution and a belated order of society; it withstood a creative and imperial idea, the idea of a united people and a single law of freedom. Overwhelming material superiority, it turned out, was with the North; but she had also another and greater advantage: she was to fight for the Union and for the abiding peace, concord, and strength of a great nation.

CHAPTER XIV

THE CIVIL WAR: I

(1) President Lincoln

The election of Abraham Lincoln as President of the United States, on November 6, 1860, was the culmination and final decision of the long political struggle between the North and the South over the question of slavery.

Descended from several generations of pioneers, Abraham Lincoln was born in the backwoods of Kentucky on February 12, 1809. His childhood and youth were passed amid the poverty and rude experiences of the frontier. The fever of westward emigration caused his father to move from Kentucky to Indiana in 1816, and from Indiana to Illinois in 1830, when, having reached the age of twenty-one, the son, following usual custom, left the home-cabin to begin life on his own account. In rude elementary schools he obtained during his boyhood an aggregate of about one year's tuition from five different teachers. The reading, writing, and ciphering thus learned he supplemented with diligent study of the few books that fell within his reach, so that at his majority, when he had grown to the stature of six feet four inches, with unusual physical strength and skill in frontier athletics, he also wrote a clear hand, and could express his thoughts in plain but concise and forcible language. Two flat-boat voyages on the great rivers to New Orleans, one from Indiana and the other from Illinois, gave him a glimpse of his country beyond his immediate neighbourhood.

In the representative institutions of the New World, politics afforded the most frequent and easy avenue to distinction; and the acquirements and aptitudes of the tall stripling, who had begun life as a day-labourer, gave him a popularity which secured him four successive biennial elections to the State legislature. In these new surroundings he also underwent the varied experiences of clerk, village postmaster, captain of volunteers, deputy surveyor, and law student. The political and social conditions of the West were in their most active formative period. Between the date of Lincoln's majority and his election as President,

nine States were added to the Union. Illinois rose in population from 157,445 to 1,711,951, Chicago from a frontier trading-post to a commercial metropolis, Springfield from a settlement to a flourishing State capital. Roads, post routes, towns, commerce, courts, replaced the forest and prairie solitude. The dug-out canoe changed to the steamboat, the buckskin garb of the hunter to the broadcloth of the doctor, the lawyer, and the clergyman. In this growth Abraham Lincoln took an active and essential part. He personally helped to build his country's cabins, survey its roads, defend its frontier, frame its laws, administer its courts of justice, shape its national policy. In this practical school of applied politics he learned the fundamental principles of American statesmanship.

In 1837 he left his first home at New Salem to form a law partnership at Springfield, the new capital of his State. In the political campaigns of 1840 and 1844 he was a Whig candidate for the office of presidential elector. In 1846 he was chosen to the Lower House of Congress, serving one term of two years. During the five years which followed he practised law with marked success, and only re-entered politics when the repeal of the Missouri Compromise aroused the whole country to an intense heat of public discussion. In the exciting party strife over the new question, Lincoln's maturing intellect and growing oratorical power at once attracted marked attention, and gave him such prominence that in 1855 he was the candidate of his party before the Illinois legislature for the post of Senator; and, though defeated, he maintained a leadership that secured to him for the second time the unanimous nomination of his party for the same office, when the term of Stephen A. Douglas was about to expire. Lincoln's seven joint debates with that popular and skilful Democratic champion in the Illinois senatorial campaign of 1858, while they did not save him from a second defeat, extended his fame and gave him high reputation as a national statesman.

Two speeches made by him in that memorable campaign had deep influence on public opinion and wrought far-reaching party consequences. The first was his address before the Republican State Convention, in which he uttered the bold prophecy that, "This government cannot endure permanently half slave and half free. . . . Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, north as well as south." This proposition he demonstrated by a critical analysis of the course and consequences of the Kansas-Nebraska legislation and the Dred Scott decision of the Supreme Court. The second was his Freeport debate with Douglas, when he forced that adroit tactician to declare that a territorial legislature might by "unfriendly legislation" exclude slavery in defiance of the Supreme Court dictum. For this avowal Douglas was

branded as a party apostate by his Democratic presidential rivals; the schism broke up the Charleston Convention, and severed the Democratic party into two irreconcilable factions. The prudent attitude which Lincoln maintained in his speeches between the extremes of radical and conservative opinion on the slavery issue rendered him the most suitable man to unite the somewhat heterogeneous elements of the new Republican party; and the National Republican Convention at Chicago in May, 1860, nominated him for President of the United States on the third ballot, over Seward, Chase, Cameron, Bates, and other prominent leaders. Six months later the suffrages of the American people confirmed the choice of the Chicago Convention.

In the election of November 6, 1860, the popular vote chose a constitutional majority of presidential electors, who a month later (December 5) cast 180 votes for Lincoln. Of the other three candidates, Breckinridge received 72 votes, Bell 39, and Douglas 12, Lincoln's majority over them collectively being 57. Practically it was the vote of the eighteen Free States of the Union against the vote of the fifteen Slave States divided among three candidates. Even had there been only one instead of three opposing candidates, Lincoln would still have been returned by the electoral college. A complete fusion of the opposition vote, such as wholly or partly occurred in five States, would have only diminished his electoral majority to 35. The verdict thus expressed gave notice to the South that its dream of slavery extension was over, and that thereafter the North held the political balance of power. But it is to be remarked that a majority of the popular vote, even when the States of the Confederacy were excluded, was against him. He was the choice of a minority — a fact which renders his career as President still more remarkable.

While this portended no danger to the Slave States, South Carolina immediately led off in the long-meditated scheme of secession. Already a month before, her then governor had sounded other Slave State executives on the project; and, though receiving but meagre assurance of support, he now convened his legislature in special session, and sent it a revolutionary message. In response, that body provided for promptly choosing a State convention, and enacted various military measures. On December 20, 1860, the newly elected convention passed an ordinance of secession.

A week earlier, on December 14, about one-half of the senators and representatives in Congress from the Slave States issued at Washington a manifesto addressed "To our Constituents," in which they announced that the honour, safety, and independence of the Southern people required the organisation of a Southern Confederacy, and that the primary object of each slave-holding State ought to be its speedy and absolute separation from a union with hostile States.

Such a recommendation naturally brought the elements of revolution

into speedy action. Georgia, Alabama, Mississippi, Florida, and Louisiana rapidly followed the example of South Carolina. Legislatures were convened, conventions organised, commissioners sent from State to State to encourage popular and legislative action; military legislation was enacted; militia companies were organised and drilled. Secession ordinances quickly succeeded each other during the earlier half of January, 1861; and, almost immediately afterwards, the governors each sent a small military force to demand and receive the surrender of the feebly garrisoned federal forts within their respective States, as well as to take possession of arsenals, custom-houses, mints, and other public buildings and property of the United States. By this method twelve to fifteen harbour forts along the Atlantic and Gulf coasts, capable of mounting a thousand guns, half-a-dozen arsenals with an aggregate of 115,000 arms, an extensive navy-yard at Pensacola, Florida, three mints, four important custom-houses, and three revenue cutters on duty at seaports, with a variety of other miscellaneous government property, passed without opposition, almost without effort, into the hands of the Secessionists.

There occurred, however, three notable exceptions. The State of Texas, whose governor opposed secession, was carried into the revolt by a military conspiracy and usurpation. No attempt was made against Fort Taylor at Key West, Fort Jefferson on Tortugas Island, or Fort Pickens on Santa Rosa Island near Pensacola, on account of the distance and danger. The forts in Charleston harbour underwent peculiar vicissitudes. Major Robert Anderson, a brave and loyal officer commanding a garrison of about sixty men, finding his position in Fort Moultrie on the mainland too much exposed, transferred his force by a sudden movement to Fort Sumter, situated midway in the harbour's mouth, and unapproachable except by water. Here he maintained himself nearly four months, during which time he was gradually surrounded by rebel batteries, and was only forced to capitulate by a two days' bombardment and the exhaustion of his provisions.

During most of these proceedings the newly elected President was compelled to remain a silent spectator. Though chosen in November, his term of office did not begin till the following 4th of March. In the interim the outgoing President, James Buchanan, was still responsible for the maintenance of the Government and Constitution of the United States, which his official oath bound him to "preserve, protect, and defend." Unfortunately, President Buchanan was, by reason both of advanced age and feeble will, totally unequal to the emergency. In the political struggle just ended his personal sympathy and party connexion had been rather with the South than with the North. He had championed the candidature of Breckinridge for the presidency; the leaders of the revolt had been his lifelong personal and party friends; and he could not immediately free himself from the influence of their past domination or present advice and suggestion. Three of the seven members of his Cabinet were

outspoken or covert disunionists; and his annual message to Congress reflected not only his own indecision, but the antagonism of his official advisers. Denying the right to secede, he also denied the right to coerce. Confessing his duty to execute the laws, he argued it impossible to do so against universal public opinion. Warned by General Scott to reinforce the Southern forts, he treated the advice with indifference, on the plea that the force at his disposal was insufficient. Little by little also, he involved himself in a practical truce with the authorities of South Carolina, beginning on December 8, 1860, and continuing until February 9, 1861, agreeing that he would not reinforce Fort Sumter if they would not attack it, and meanwhile leaving them free to build batteries for its eventual reduction.

In spite of all these efforts to steer a middle course, his perplexities constantly increased. Cobb, his disloyal Secretary of the Treasury, resigned on December 8, to embark in active secession. The loyal members of the Cabinet could not shut their eyes to the fact that disunion was rapidly changing to insurrection and rebellion; and two days before the Congressional secession manifesto, Cass, the Secretary of State, resigned because the President would not order the Charleston forts to be strengthened. A new Cabinet crisis arose, when on December 26 Anderson suddenly removed his force from Fort Moultrie to Sumter. Buchanan's disloyal Secretary of War, Floyd, indignantly demanded that he should be sent back. This time, under healthier advice, Mr Buchanan refused thus to censure a loyal officer for a brave act. He accepted Floyd's resignation, promoting his Postmaster-General, Holt, a firm Unionist, to be Secretary of War. The event created great consternation in Secessionist circles, and on January 5 a "caucus" of Cotton-State senators was held in one of the committee rooms of the Capitol, at which a final programme of revolution was outlined, and the following points were agreed upon. 1. Immediate secession. 2. A convention at Montgomery, Alabama, not later than the 15th of February, to organise a confederacy of seceding States. 3. That the Cotton-State senators should remain in Congress "to keep the hands of Mr Buchanan tied." Most important of all, the caucus appointed a committee, consisting of Senators Jefferson Davis, Slidell, and Mallory, "to carry out the objects of this meeting." Thus the future chief of the great rebellion was chosen to preside over its primary organisation.

For the present the resolutions of January 5 were withheld from the public. Under the direction of Holt, the new Secretary of War, General Scott attempted to reinforce Fort Sumter by secretly sending 200 recruits from New York in a merchant steamer. But Thompson, the Secessionist Secretary of the Interior, whom Buchanan had with weak indulgence permitted to remain in his Cabinet, and who by accident became informed of the movement, notified the Charleston authorities; and when, on the morning of January 9, 1861, the *Star of the West*

attempted to enter Charleston harbour, with the men and supplies, she was fired upon by a Confederate battery, and, turning back, abandoned the attempt.

A new crisis and cabinet reorganisation grew out of this attempt and failure; and for the first time President Buchanan had a council of united and loyal constitutional advisers. All their patriotism however could only nerve the timid and vacillating President to a few minor and secondary measures of national defence. The most important of these was his permission to Secretary Holt to concentrate at Washington 480 men of the regular United States army, and organise a supplementary force of 925 men of the Volunteer Militia of the District of Columbia, to secure the peace and order of the national capital during the official counting of the presidential vote by the two houses of Congress on February 13, 1861, as well as at the inauguration of the new executive on the 4th of March.

During this long interim the public opinion of the Free States, or as they were called, the North, had been in a somewhat conflicting state between apprehension, doubt, and lethargy. In the presidential election the existence of four parties and four candidates had greatly complicated party organisation, and produced sectional jealousy and dissension. The Southern threat of disunion had long served merely as a party menace. The recent more formal proceedings of Southern legislatures and conventions appeared only a prolongation of well-worn spectacular manifestations to extort compromise and concession from Northern voters. It seemed incredible that the South would resist with arms the lawful authority of a President, after having herself taken part in the election by which he was chosen. Vigorous as were the expressions of political defiance, neither North nor South believed that they would end in bloodshed and war. The people of both parties not only hoped but believed that again, as on former occasions, some compromise would allay the quarrel. Congress also reflected this phase of public feeling. During the month of December the House of Representatives appointed a committee of thirty-three, and the Senate a committee of thirteen, to bring about such a result. Continuous failure, however, attended the proceedings of both committees. No single plan among the seven presented to the Senate committee, nor among the forty or fifty suggested to the House committee, could obtain the assent of the majority; nor did any better success attend the efforts of a peace convention composed of delegates sent by the governors of fourteen States of the Union, all prominent, able and influential men, which met in Washington City, and held earnest debate from the 4th to the 27th of February.

Amid all this babel of demand and refusal, accusation and recrimination, there were but two undercurrents of logical and consistent action. The South, persisting in her demand for the full statutory protection of

slavery in the Federal Territories, proceeded without halting or delay in her movement of revolution. Gradually the senators and representatives from the seceding States withdrew from their seats in Congress. On February 4 the Secessionist delegates met at Montgomery, Alabama, and began by organising a provisional congress. On February 8 they formed a provisional government known as that of the Confederate States of America. Finally, on March 11, they adopted a permanent Constitution under the same title.

On the other hand, the North, determined to maintain the decision of the people in the late presidential election that slavery should not be extended into the Federal Territories, and to uphold the lawful authority of the President-elect, gradually fell into the *rôle* superficially of apathetic indifference, but really of studied inaction, until by the lapse of time President Buchanan's term should expire and President Lincoln enter upon the powers and duties of his office.

Starting from his home at Springfield, Illinois, on February 11, the President-elect made a public journey to Washington, where he arrived on the 23rd, during which he visited the capitals of the States of Indiana, Ohio, New York, New Jersey, and Pennsylvania, upon a non-partisan invitation from their several legislatures. He was everywhere received by enormous crowds with very great enthusiasm. In the course of the twenty or thirty addresses that he delivered, while studiously refraining from any express declaration of policy, his words were hopeful of the future, and breathed only peace and kindness to all sections of the country. In the later stages of his journey he received information from two independent sources that his public transit through the city of Baltimore, Maryland, would involve personal danger to himself. As no official invitation had come to him from either the legislature of the State or the municipal authorities of the city, he yielded to the entreaties of personal friends and high officials to deviate from his published programme, and made the journey unobserved and with a single companion by night — a measure of precaution, dictated not by personal fear but by a sense of the highest prudential duty to the people and the government over whose destiny he had been called to preside.

On March 4, 1861, his inauguration was celebrated with the usual impressive State ceremonial. Standing among government dignitaries on the platform before the east front of the Capitol, his personal appearance produced, as it had done during his whole journey, a most favourable impression upon the throngs assembled to hear him. Mr Lincoln was then 51 years of age, 6 feet 4 inches in height, weighed 12 stone 7 lbs., and for his unusual stature was remarkably well-proportioned. His hair was black, his eyes grey, his rather thin but mobile features were strongly marked, with very prominent eyebrows and high cheekbones. His bearing was erect and dignified, and his countenance, even in repose, not unattractive; when lighted up in public

speaking by a striking thought, or expressing a firm conviction, it became positively handsome. The policy announced in his inaugural address was eminently peaceful and conservative. He declared the Union to be perpetual and unbroken, and secession ordinances and resolutions legally void. He announced that to the extent of his ability he would execute the laws in all the States. He would hold the exterior boundaries of the nation, and collect duties and imposts. He would not force obnoxious officials upon disaffected interior communities, and would furnish the mails unless repelled. After an earnest and patriotic appeal to the South he added: "In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. You can have no conflict without being yourselves the aggressors."

On the following day his Cabinet was nominated and confirmed. Its members were William H. Seward, Secretary of State, Salmon P. Chase, Secretary of the Treasury, Simon Cameron, Secretary of War, Gideon Welles, Secretary of the Navy, Caleb B. Smith, Secretary of the Interior, Edward Bates, Attorney-General, and Montgomery Blair, Postmaster-General. It was a composite council, comprising representatives from the principal parties out of which the new Republican party had been formed. Four of the members, Seward, Chase, Cameron, and Bates, had been candidates for the presidency.

(2) North and South

The very first question presented to the new Administration was both unexpected and serious. Instead of being, as the public believed, secure in Fort Sumter, Major Anderson reported that in a few weeks his provisions would be exhausted, and that the rebel siege-works had become so formidable that it would require an army 20,000 strong to relieve him. Since the government neither possessed such an army nor could create one in time, the alternative presented was one of starvation or withdrawal of the garrison. Commissioners also arrived at this time from the Confederate authorities to discuss terms of separation and independence for the South; but their application was rejected, and the envoys were not even recognised. After about a month of investigation and discussion, President Lincoln caused an expedition to be prepared, and gave notice to the governor of South Carolina that an attempt would be made to send provisions to the fort; and, if this were not resisted, no further effort to throw in either men, arms, or ammunition would be attempted until further notice or in case of attack. Upon this the Confederate government immediately sent an order to reduce the fort; and after two days' bombardment the garrison capitulated on April 14. It had not lost any men, but was forced to surrender by want of provisions and the burning of wooden buildings in the course of the bombardment.

War having been thus begun by the unprovoked attack by the Confederate forces, President Lincoln on April 15 issued his proclamation calling to the service of the United States 75,000 three-months' militia. To this every governor of a Free State responded with enthusiastic loyalty, and tendered at least double the number of regiments called for. A proclamation from Jefferson Davis, on April 17, proposing to issue letters of marque and reprisal against Federal commerce, was met two days later by the counter-proclamation of President Lincoln, instituting a blockade of the Southern ports and threatening privateers with the laws against piracy. In both the North and the South the war-spirit and hostile demonstrations rose to a high pitch, and the usual peaceful energies of communities were quickly turned to enthusiastic and active military preparation.

The regular army of the United States numbered 17,113 officers and men. Scattered in small detachments to guard the vast western frontier against hostile Indians, it could not immediately be withdrawn. It was quickly seen that the 75,000 militia called into service by the President's proclamation would be insufficient to meet the rapid development of the insurrection; and the formation of a new army was immediately begun. By a proclamation of May 3, 42,034 three-years' volunteers, 22,714 enlisted men (adding ten regiments to the regular army), and 18,000 seamen were called into service, swelling the entire military establishment of the United States to an army of 156,861 and a navy of 25,600. There existed no legal authority for this increase; but the special session of Congress legalised the President's action, and by additional laws, approved July 22, 25, and 29, authorised him to accept the service of volunteers for three years, or during the war, to a number not exceeding one million. Such was the patriotic enthusiasm of the people of the loyal States that before July 1 seventy-two regiments and ten batteries had been enlisted and mustered in; and within a year from the call 637,000 volunteers were in service.

Immense as then seemed such a preparation for hostilities by a peaceful nation, it was but the serious beginning of the war. During the following three years of conflict ten additional calls were made by President Lincoln for troops to be furnished from the several States by volunteering and by draft. In response to these calls the enormous total of 2,690,401 recruits was obtained in periods of enlistment varying from three months to three years; and this supply kept up the total strength of the armies of the Union to 918,191 on January 1, 1863; 860,737 on January 1, 1864; 959,460 on January 1, 1865; 980,000 on March 31, 1865; and 1,516,000 on May 1, 1865. Concurrently with these changes, the navy of the United States was expanded from 42 vessels, carrying 555 guns, with 7600 men afloat, to 671 vessels, with 4717 guns and 51,500 seamen.

If it be asked why such prodigious numbers were needed for the

Union forces, the reason is obvious. The eleven States eventually leagued in rebellion embraced a territorial area of 733,144 square miles, equal to the combined areas of Great Britain, France, Spain, Germany, and Switzerland. These States had a sea-coast line of 3525 miles, and an interior border line of 7031 miles. The war on their part was mainly defensive, while on the part of the United States it was necessary, not only to enter and overrun the rebellious territory, but permanently to hold and subdue it. At every step this necessitated leaving behind garrisons and detachments to secure communications, as well as to control the disaffected districts after they had been gained by marches, sieges, or battles.

Equal popular enthusiasm and equal official energy were shown in the Confederate States in raising armies to support the rebellion, but not with equal results. In the personal qualities of warlike spirit, courage, and devotion to what each side considered a righteous cause, Americans of both the South and the North were equal. In mere territorial area the opposing sections were not greatly unequal, but in war strength there was a striking difference. By the census of 1860 the North had a population of nineteen millions, the South of only eight million whites and four million slaves. Here was at once an immense disparity, nineteen millions against eight millions — more than two to one — in that first military requisite, men available for recruits; for at the beginning none but white men were enlisted on either side. A similar, if not greater, disparity in favour of the North existed in almost all other military needs and resources. Since the organisation of the Confederate government in February, four calls had been made for Southern volunteers, amounting to an aggregate of 82,000. In his message of April 29 to the Secessionist Congress, President Davis proposed to organise and hold in readiness an army of 100,000 men. Volunteer enlistments for a term of twelve months were provided for; but before the expiration of a year Southern volunteering had so far ceased that the Confederate Congress passed a Conscription Act, placing all white men within prescribed ages in the military service, to be enrolled and called out at the discretion of the Confederate president. Recruits were incorporated into the Confederate service whenever and in whatever numbers they could be obtained; and under such a system it is not surprising that no statistics could be preserved.

Practically the war lasted four years, from the fall of Sumter to the surrender of Lee at Appomattox and Johnston at Raleigh, though minor engagements and surrenders occurred later. There were fought in all over 2000 battles and skirmishes, extending east and west from Virginia to Texas, and north and south from Missouri to the Gulf of Mexico, though the principal area of conflict lay between Chesapeake Bay and the Mississippi river. It has been estimated that there were 112 land battles, in which one side or the other lost over 500 in

killed or wounded, and 1882 engagements in which at least one regiment participated. Probably half a million lives on each side were lost in campaign, battle, hospital or prison. Since it would be impossible to follow in detail this multitude of incidents, it is proposed here to take note only of the leading and decisive campaigns, battles and events that wrought out the grand results of the mighty conflict.

Prior to the fall of Sumter, only the seven Cotton and Gulf States, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, and Texas, had united to form the Confederacy. In the other eight Slave States most of the executives and many of the leading politicians were from the beginning resolved on secession, though there was still such a division of sentiment among the people as to render their eventual course uncertain. The governors of each of the States of Virginia, North Carolina, Tennessee, Kentucky, Arkansas, and Missouri sent insulting refusals to the President's call for troops, and immediately threw all their official authority in favour of secession. Four of them, Virginia, North Carolina, Tennessee, and Arkansas, lying in the interior, became practically from that time a part of the Confederate States. The States of Kentucky, Missouri, Delaware, and Maryland, bordering on the Free States, though undergoing severe local struggles, were eventually saved to the Union, partly by the presence of decisive Federal forces, partly by the stubborn loyalty of a majority of their people.

Delaware, because of her small remaining number of slaves, but more especially because of her geographical position, inevitably went with the North; though local sentiment was so far divided that Governor Burton made no official reply to the President's call, especially as there existed no organised State militia. Nevertheless he issued a proclamation authorising the formation of volunteer companies, and giving them the option of offering their services to the general government. Under this authority Union regiments were organised by the loyal people and sent to Washington.

In Maryland Governor Hicks long maintained an apparently neutral attitude, until events rather than official leadership brought on the crisis and its solution. When the 6th Massachusetts, the first fully armed and equipped regiment to reach Washington under the President's call, passed through the city of Baltimore, the cars containing the last four companies were stopped, and as the men attempted to march through the streets to the Washington railroad station, they were set upon by a Secessionist mob, through which they had to fight their way, their assailants using paving-stones and firearms, and the soldiers replying with their rifles. The soldiers lost four men killed and thirty-six wounded, the citizens perhaps two or three times that number.

That afternoon a huge mass meeting was held, in which the whole current of speech-making, the governor's declarations included, was in

favour of secession; and the municipal authorities, by officially burning railroad bridges, refusing to allow further passage of Federal troops, calling out the local militia, and adopting hasty measures to arm the city, put Baltimore in an attitude of determined revolution. From Baltimore the frenzy spread to other towns, and for a week or two the Federal flag seemed to have disappeared from Maryland. But the revolutionary ardour soon subsided. Federal troops found a new route to the capital by way of Chesapeake Bay and Annapolis; a Massachusetts regiment occupied Baltimore and fortified Federal Hill, commanding the city; and the Unionist citizens took courage, and, being in a majority, manifested their strength and asserted their control. Under the President's order threatening the legislature with arrest, that body shaded off its proposed secession ordinance into a mild protest against Federal usurpation; and the governor, recovering from his panic, proclaimed his firm allegiance to the government, and assisted heartily in the formation of Unionist regiments. Thereafter, the substantial moral and military strength of Maryland was given to the Unionist cause; and the belligerent Secessionists of the State went South to enlist in Confederate regiments.

The State of Virginia also underwent a series of stirring and dramatic events. Her strong traditional interest in the Union as the "Mother of Presidents" had in latter years been much dwarfed and weakened by her coarser material interest in slavery. The usual device of a State convention had been adopted, with a view to passing a secession ordinance; but, to the surprise of the plotters, the election returned a majority of what were believed by their constituents to be Union members. Their proceedings however showed them to be loyal only on conditions, and though for a time they shrank from the final plunge, they clamoured loudly for concessions to slavery. On the fall of Sumter their hesitation gave way, and on April 17 they secretly passed a secession ordinance, and in a few days entered into a military league with the Confederate States. Governor Letcher followed up his contumacious refusal to furnish troops in answer to Lincoln's call by sending immediate orders to his State militia to effect the capture of the government arsenal at Harper's Ferry and the Gosport Navy Yard at Norfolk. Such a step had been anticipated; and a ship of war was sent from Washington to bring away several United States vessels. The relief, however, came too late. By the treachery of certain officials of the Yard, the removal of a portion of the ships was rendered impossible; and Commodore Paulding endeavoured to carry out his alternative instructions on April 20 by firing a dry dock and other buildings and such of the ships as he could not bring away. The Harper's Ferry Armoury shared a similar fate. Lieutenant Jones, deeming his small company insufficient to hold the post, burned the establishment on April 18, and retreated toward Washington. In both cases, however, the destruction was very

incomplete. The Secessionists were able to recover much of the valuable machinery in the armoury, and at the Navy Yard the hulls of the burned ships (among them the afterwards famous *Merrimac*), the partially disabled dry dock, and 1500 to 2000 serviceable cannon, formed a harvest of war material of great value and immediate use to the Confederates.

One other event was of yet greater importance. Among the officers of the small regular army of the United States there was no general capable of performing active duty in the field. Lieutenant-General Scott was physically unable to mount a horse; General Twiggs, who surrendered the troops in Texas, had been cashiered; General Wool was by reason of age unfitted for active duty. In making choice of a commander for the Federal army, the General-in-Chief, Winfield Scott, looked first to Robert E. Lee, whom Lincoln had recently promoted to the colonelcy of the 1st Cavalry. Lee had more than once declared himself against secession, calling it not only a revolutionary but a ruinous act; and the Administration informally tendered him the command. But whether because of family ties (he was a Virginian), or of property interests, or of more alluring overtures from the South, Lee on April 20 tendered his resignation to General Scott. On April 22, before his resignation had been accepted, he was formally invested by the Virginia Convention with the command of the Virginia troops hostile to the United States, and in course of time became General-in-Chief of the Confederate armies. He was, indeed, not the only loss to the United States. A similar defection carried about one-third of the officers of the regular army and navy into the service of the Confederates.

The revolutionary impulse which so suddenly carried Virginia into secession did not extend over the whole of the State. In the part of her territory lying west of the Alleghanies, embracing more than one-third of her total area but only about one-fifth of her population, an overwhelming majority of the people remained loyal. Seeing that mere protest would be ineffectual there was developed at once a spontaneous popular movement to bring about a political division of the State. After a series of popular meetings, delegates from twenty-five counties met on May 13, at Wheeling, and arranged plans, in consequence of which a delegate convention, representing about forty counties lying between the crest of the Alleghanies and the Ohio river, met in the same city on June 11, and declared null and void the Secessionist proceedings at Richmond. On June 19 it created a provisional State government, under which Francis H. Peirpoint was appointed governor. Peirpoint in due time organised his provisional government at Wheeling, and on June 21 made formal application under the Constitution of the United States for aid from the general government to suppress rebellion and protect the people against domestic violence. The Lincoln Administration responded favourably to the

request, and sent Governor Peirpoint authority under which he soon organised and placed in the field four Union regiments. Sustained by Federal troops, the loyal reaction against secession was fully maintained; and in due course of time the new State of West Virginia was consolidated and organised, and formally admitted as a member of the Union.

West Virginia lies contiguous to the State of Ohio; and, as the quota of three-months' militia from that State under Lincoln's first call consisted of thirteen regiments, that quota itself formed a Major-General's command. Upon advice from eminent citizens of Cincinnati, Governor Dennison appointed to this office Captain George B. McClellan, an officer born in 1826, reared and educated in Philadelphia, who had graduated from the West Point Military Academy in 1846. He had rendered gallant service in the Mexican war as a member of the engineer corps, and afterwards discharged several special duties in exploration and scientific work, also as a member of a commission to gather military information in Europe. He had resigned his commission as Captain of Cavalry in 1857, and was at the moment serving as president of the Ohio and Mississippi Railroad. His appointment as Major-General of the Ohio Militia was especially gratifying to General Scott, who had personal knowledge of his acquirements and talents; and upon Scott's suggestion, President Lincoln appointed him, on May 3, to the command of the Military Department of the Ohio. Ten days later, under the imperative need of officers for the rapidly expanding military establishment, the President appointed him a Major-General in the regular army, which changed his three-months' militia commission to one of permanent service. It was the beginning of a series of rapid military promotions which make the history of the first year of the civil war read more like fiction than reality. Only a few months later McClellan was General-in-Chief of all the armies of the United States, a leap in rank and power from a simple captaincy that eclipses plausible romance.

General McClellan was instructed to use the Ohio quota to guard the line of the Ohio river, to encourage and support Union sentiment wherever it might be manifested south of that stream, and especially to sustain the Unionists of West Virginia in their movement of separation from the eastern half. General Lee at Richmond, pushing forward the organisation of Virginia Secessionist troops, had scattered his proclamations and sent his recruiting agents through the western half of the State, but they reported opposition and failure from the beginning; whereupon he ordered a few companies to Beverly as a nucleus around which to gather sufficient force to control the western end of the Baltimore and Ohio Railroad. To meet this show of force, McClellan, under a call from the Union leaders, moved forward four regiments to the railroad junction at Grafton. Porterfield, the Confederate colonel, retired fifteen miles south to Philippi, at which place he was, however, on June 3, routed and

dispersed by Colonel Kelley at the head of a newly-formed West Virginia Union regiment.

Lee was still disposed to dispute the possession of West Virginia, and sent forward about five regiments, with one of which Colonel Pegram established himself in the pass at Rich Mountain, while General Garnett, formerly a Federal major, held the pass at Laurel Hill with the remainder. McClellan, taking the initiative, sent five or six regiments under General Morris to confront Garnett at Laurel Hill and threaten a main attack, while he himself moved with seven regiments to carry the pass held by Pegram. But he found the latter so well entrenched that he hesitated to make a direct attack in front, even with the numerical superiority of seven to one. McClellan's subordinate officer, however, Brigadier-General Rosecrans, with a force of 1900 men, succeeded in making a circuitous march, by a secret path, and in a heavy rainstorm gained the rear of a small entrenched camp, held by 300 men and two guns, on the summit of the mountain. On June 11 Rosecrans easily captured this camp, which placed him in possession of the turnpike-road two miles to the rear of Pegram's works. Finding himself caught between the Federal forces, Pegram precipitately spiked his guns and abandoned his camp, fleeing northward along the mountain-ridge to join Garnett at Laurel Hill; but he was once more intercepted, and this time compelled to surrender. On receiving news of the disaster Garnett himself commenced a hurried retreat, but was pursued and overtaken by the Federal advance guard at Carrick's Ford, on June 13, where another engagement ensued, between one regiment of the fleeing Confederates and three of the pursuing Federals; and, shortly afterwards, Garnett himself was killed in a desultory skirmish. The engagements at Rich Mountain and Carrick's Ford, insignificant as to numbers and casualties, were very important in their military and political results. Thereafter the Confederates were unable to maintain any hold upon West Virginia; and the military frontier was permanently pushed back by this single campaign. The laconic telegram in which McClellan summed up the combined three days' results made such an impression of generalship and energy that public opinion at once singled him out as the coming leader, and gave him a prestige which contributed largely to his receiving, at an early day, the command of the army of the Potomac, and the rank of General-in-Chief.

(3) The war in the West

West of the Mississippi river the Secessionist leaders had secured the adhesion of the vast State of Texas, and also a very uncertain promise of allegiance from the half-civilised tribes occupying the Indian Territory. President Jefferson Davis sent Major-General Leonidas

Polk to command in the Mississippi country, with his head-quarters at Memphis; and his earliest enterprise was an aggressive campaign to seize and hold Missouri, which would form the strong north-western bastion of the contemplated Slave-Dominion. Certain conditions were very favourable to this plan. An influential minority of the people of Missouri was enthusiastic in favour of slavery, and had furnished the daring and reckless frontier material for the border-ruffian invasions and episodes in Kansas, from 1854 to 1857. Here also, as in other Slave States, the State officials, as well as a majority of the legislature, were active supporters of secession. The usual Secessionist programme was begun in January by a law to assemble a State convention, and a well-understood agreement that the Federal arsenal at St Louis should be surrendered to the Secessionist commander of the State militia.

These intrigues were however effectually foiled by the help of an active Union Safety Committee in St Louis, the principal city of the State, where a large German population furnished a compact element of loyalty. The safety of the arsenal was insured by sending Captain Nathaniel Lyon with a company of regulars to command and guard it. The State convention, instead of adopting the secession scheme, voted it down. Under President Lincoln's authority, six regiments of Unionist volunteers were organised, with which and his company of regulars Captain Lyon on May 10 surrounded, captured, and dispersed Camp Jackson, near St Louis, where Governor Jackson had assembled several regiments of State militia to form the beginning of a Secessionist army. On June 12 the governor threw off all disguise by issuing a proclamation of war, and calling into service 50,000 State militia.

Lyon met this demonstration with decisive energy. Embarking a portion of his force on swift steamboats he chased the governor and his legislature from Jefferson City, the capital, to Boonville, fifty miles further up the river, and thence, after a slight skirmish, to the south-west corner of the State, where the fugitives set up the pretence of a Secession-State administration. A new and loyal State government was immediately substituted, through the action of the Missouri State convention, which, after voting down secession, had taken a recess till December. A loyal majority of its members was reassembled; and these in a series of ordinances declared the State offices vacant, abrogated treasonable legislation, provided for new elections, and, on July 31, inaugurated H. R. Gamble as provisional governor. His authority was immediately recognised by the greater portion of the State. Missouri remained both in form and substance a State of the Union; but such was the prevalence and intensity of pro-slavery sentiment, and the ramification of Secessionist conspiracy, that there ensued almost immediately a condition of smouldering rebellion and sporadic guerilla warfare, which, shifting from point to point, disturbed public order throughout the State during the whole of the war and rendered

life and property insecure. It led, however, to no important battles or decisive campaigns, and was contemptuously known under the general designation of "bushwhacking."

The adhesion of Missouri was of even greater importance to the North than to the South — a fact thoroughly appreciated by President Lincoln, whose own State, Illinois, was only divided from that of Missouri by the Mississippi river. On July 1, 1861, the President appointed John C. Frémont a Major-General of the United States Army, and assigned to him the command of the Western Department, consisting of the State of Illinois, and all the States and Territories between the Mississippi river and the Rocky Mountains. The entire West hailed the appointment with gratification. His name had become a household word, through the reports of his journeys of exploration in the Rocky Mountains, and the part he had played in the conquest and admission of California to the Union, while his local reputation broadened into national fame and representative value through his nomination in 1856 as the Republican candidate for the Presidency of the United States. The skill, courage and qualities of leadership he had displayed in former difficulties seemed to point him out as the fitting man to organise the enthusiasm and resources of the great West, in men and materials, into a military force large and compact enough to force its course down the Mississippi river against all obstacles by its own size and inherent energy.

One of the first acts of General Scott had been to send a detachment of Illinois troops to occupy Cairo, a city at the southernmost point of the State, which, by its position at the confluence of the Ohio and Mississippi, was the military key to the entire Mississippi valley, and controlled the whole interior system of river navigation. It was natural, therefore, that Cairo rapidly became a great and busy military station both for the army and the river-gunboat service.

The high hopes entertained by the general public of the abilities and usefulness of Frémont were doomed to meet, from the first, a chilling disappointment. He loitered more than three weeks in the east, before proceeding to his head-quarters in St Louis; and when he reached that place on July 25, difficulties, which his presence might have averted, had already become serious. Cairo seemed to be threatened from the south; the danger to Captain Lyon in the south-west was almost beyond remedy; and there was pressing need for prompt and capable administration at every point, in the forwarding of troops and supplies. It was soon found that Frémont lacked the faculty of organisation on a large scale, and, more important still, that of winning the confidence and directing the energy of local authorities and leaders. In addition, the death of Lyon deprived him of assistance which his own limited military acquirements and experience could not replace.

In following the fugitive governor, Lyon had taken post at Springfield

in south-western Missouri, where from various sources he collected a Union force of 7000 or 8000 men, which however, by the expiration of service of the early three-months' regiments, soon dwindled to about 5000. In the interim there took place a rapid concentration of Confederate regiments moving northward from Arkansas and the Indian Territory, and forming a junction with the local uprising; the whole being commanded by General Benjamin McCulloch. Finding their numbers were outgrowing his own, Lyon advanced, and on August 10 fought the battle of Wilson's Creek, ten miles south of Springfield, driving the enemy from the field, though he himself was killed while leading a gallant charge.

For the moment the Confederate commanders and forces were scattered. But when Lyon's successor retreated to the railroad terminus at Rolla, the south-western corner of the State was again left under control of Price as Major-General of the Southern forces in Missouri, who straightway began that system of summer guerilla campaigns which he repeated again and again during the war. Confronted by no opposing force, Price was soon able to collect a large body of followers, consisting of men who, as in a frontier foray, brought their own backwoods rifles, with simple powder-horn, shot pouch and haversack for equipment. There was no regular commissariat, supplies being furnished by the friendly sympathy of the strong Secession communities. Moving leisurely northward until by continued accessions his force numbered between 15,000 and 20,000 men, with 13 guns, Price captured, on September 20, an entrenched Federal garrison of 2800 men with 8 guns, at Lexington on the Missouri river. Lexington having fallen, Price immediately retreated southward, his army dwindling and dissolving as rapidly as it had gathered.

This disaster, seemingly so needless, added to the retreat from Wilson's creek, brought upon Frémont the caustic criticism of the press and public of the loyal West; and in the despatch to the War Department reporting the surrender, he announced his intention to take the field himself. For a while the St Louis newspapers were filled with reports and indications of great military activity, and of the formation of an army of five divisions at various points in the State, which should concentrate and move against the Confederates in the south-west. But by this time the Washington authorities, warned by complaints from trusted and influential friends in Missouri and adjoining States, grew suspicious of the reality of these preparations; and the Secretary of War himself made a visit to Frémont, now in the field. Upon personal investigation he found that, while Frémont's supposed army made a good show on paper, figuring as an aggregate of nearly 39,000, it existed as yet only in scattered detachments, entirely without the preparation necessary for a campaign, with only a single brigade well provided for a march. Duped by his own scouts, Frémont still kept up the dumb show of war, by publishing an

order of battle when there was no enemy within reach. At this point, however, he was overtaken in his movement by an order from President Lincoln, made on October 24, removing him from command, and directing his successor to abandon the pursuit of Price, and for the present to establish corps of observation at the railroad termini of Rolla and Sedalia.

The State of Kentucky, lying lengthwise immediately south of the Ohio river, extends from Missouri on the west to Virginia on the east, a distance of 350 miles. Its position in the coming civil war was decided by a long political contest, rather than by a direct military struggle, or even by a formidable show of arms. Like other border Slave States, its people were very much divided in sentiment; but the majority was ardently attached to the Union. Here again, as in most other Slave States, the governor and sundry State officials were, if not Secessionist conspirators, at least active disunionists; while on the other hand, the legislature contained a majority of Unionist members. In two separate special sessions, which the governor convened, the legislature voted down his recommendation of a State convention, the first time by adopting only an anti-coercion protest, and the second by resolutions and laws adopting an attitude of defensive neutrality. To balance the governor's "State Guard" militia, which was known to lean to secession, it authorised the formation of a "Home Guard," and provided that privates and officers of both organisations should be required to swear allegiance to both the State and the Union; in addition it constituted a Unionist board of commissioners to control the governor's expenditures under the military bill.

Unlike Virginia, where official proceedings promoted secession under the guise of loyalty, the Kentucky Unionists were obliged to secure the adhesion of the State to the Federal government by temporarily assuming an attitude of qualified disloyalty. Though the governor had officially refused to furnish troops under the President's call, and though the legislature enacted that the State arms and munitions should be used neither against the United States nor the Confederate States, but only to protect Kentucky from invasion, abundant intimations came to President Lincoln that Unionist regiments would be privately organised. To this end he caused arms to be sent, and authorised Major Robert Anderson, a native Kentuckian, of Sumter fame, to encourage and receive such enlistments.

Meanwhile two elections were held in Kentucky; one in June, at which nine out of the ten congressmen elected were firm Unionists, and the second in August, at which a three-fourths majority of Unionist members of a new legislature was chosen. Notwithstanding this decisive show of popular sentiment on behalf of the Union, an undercurrent of persistent and untiring Secessionist intrigue kept the eventual course of the State in much doubt. Failing in all their attempts to gain official

control, the Secessionist leaders finally attempted to organise a revolutionary uprising under the guise of popular peace-meetings to overawe or disperse the legislature ; but this effort also failed.

As the autumn approached, events had so far progressed that the State could no longer preserve the attitude of neutrality which she had maintained for nine months. Despairing finally of gaining the State by intrigue, the Confederate General Polk, in the early days of September, advanced his military lines into Kentucky. Upon his refusal to withdraw from the soil of the State, as requested by the Kentucky legislature, that body formally invited the Federal Major Anderson to take command, and authorised the enlistment of 40,000 volunteers to repel invasion, with a provision that they should be mustered for the service of the United States, to co-operate with the armies of the Union. Hitherto there had been no Unionist troops in Kentucky, except a single brigade privately enlisted at Camp Dick Robinson, and the "Home Guards," composed of carefully selected Union men, organised under the State militia laws, and supplied with Federal arms. All the while, however, Unionist forces stationed on the north shore of the Ohio river had been ready to go to the aid of the Kentucky Unionist leaders whenever the necessity should arise.

The invasion of Kentucky by Confederate troops created the necessity. That invasion was begun by General Polk, who ordered General Pillow, with a detachment of 6000 men, to cross from the Missouri side and occupy Columbus, Kentucky, the first defensible point on the Mississippi river below Cairo. Polk further advised Jefferson Davis that the important Confederate military enterprises begun in the West should be combined from west to east across the Mississippi valley, and placed under the direction of one head, with large discretionary powers ; and he recommended General Albert Sidney Johnston for this command. Davis approved the suggestion, and on September 10 appointed Johnston to the proposed duty, creating for that purpose Department Number 2, comprising the States of Tennessee, Arkansas, Kentucky, Missouri, Kansas, with part of Mississippi and part of the Indian Territory. Proceeding at once to Nashville, Johnston threw forward a detachment of 5000 Confederates to Bowling Green, Kentucky, under General Buckner, while a third column entered the State at its eastern end through Cumberland Gap, under General F. K. Zollicoffer, who advanced with six regiments to Cumberland Ford near Mill Spring.

It had now become impossible to maintain any longer the neutral attitude in which peculiar political conditions had kept the State of Kentucky since the preceding January. Both sides were watchful of the coming crisis ; and even before Polk's movement, Frémont, while still in St Louis, announced to the Unionist commander in south-east Missouri his intention to occupy Columbus "as soon as possible." This intimation was sent by Frémont to an officer who

combined the vigilance and the ability that destined him to a great career in the war just beginning — Brigadier-General U. S. Grant. September 2 found Grant at Cairo, and on the 4th he gave partial orders for the occupation of Columbus; but a gunboat reconnaissance revealed that the Confederates were ahead of him. With true military instinct, however, he saw the possibility of a compensating movement and instantly adopted it. By midnight of the 5th he had hurriedly organised an expedition of two gunboats, 1800 men, sixteen cannon for batteries, and a supply of provisions and ammunition on transports, with which he proceeded up the Ohio river to the town of Paducah, Kentucky, at the mouth of the Tennessee river, where he landed on the morning of September 6, taking possession, and making arrangements to fortify and permanently hold the place. The importance of the seizure was appreciated by the Confederate General Buckner, who wrote to Richmond, "Our possession of Columbus is already neutralised by that of Paducah."

In response to the invitation of the Kentucky legislature, President Lincoln at once directed Anderson to take personal command of the Unionist troops in Kentucky; and with him were sent two brigadiers of exceptional ability and future fame, Generals W. T. Sherman and George H. Thomas. With such force as could hurriedly be sent him, Sherman advanced and took position at Muldraugh's Hill, fifty miles south of Louisville, on the railroad to Bowling Green and Nashville; while Thomas was sent to Camp Dick Robinson in eastern Kentucky to gather a force and watch the Confederate force which had come through Cumberland Gap. It soon turned out that Anderson's health did not permit him to continue on duty. He relinquished his command on October 8, and was succeeded by Sherman, who was in turn, at his own request, relieved about the middle of November by Brigadier-General D. C. Buell.

No military movements followed immediately in Kentucky; but Buell, whose head-quarters were at Louisville, where he was joined by regiments from the north-western States, gradually accumulated, organised and drilled a considerable army. McClellan, by direction of President Lincoln, endeavoured, by many suggestions and almost positive orders, to induce him to dislodge Zollicoffer and send a marching column through Cumberland Gap, to occupy and hold East Tennessee, a mountain region inhabited almost exclusively by loyal and devoted Unionists, who were suffering greatly at the hands of Confederate troops. Thomas was anxious to lead the expedition, and Buell at first promised compliance with the President's wishes. But, as the days passed, he systematically incorporated the regiments sent him into his own command in middle Kentucky; and finally, heedless of the desires of his superiors, admitted that he had abandoned the idea of relieving East Tennessee, and adopted the plan of a southward campaign toward Nashville.

(4) Bull Run

Washington City, in the District of Columbia, lies on the Potomac river between the States of Maryland and Virginia. The insurrectionary incidents, which occurred during the week following the Sumter bombardment (April,1861), interrupted for a few days all communication either by rail, post or telegraph with the loyal States of the Union. The danger to which the capital was exposed naturally caused the concentration, for its defence, of the largest part of the three-months' militia first called out by President Lincoln. Had the insurrection been prepared with organised forces and a matured plan, the city might indeed have been captured, as a member of Jefferson Davis' Cabinet predicted it would be. An attack was loudly urged by the more impulsive and sanguine leaders ; but General Lee discouraged the idea, and busied himself with strenuous efforts to mobilise the forces of Virginia and to make defensive preparations. He established a camp of instruction at Harper's Ferry, and another at Manassas, a railroad junction thirty-five miles south-west of Washington, a strategical point between that city and Richmond, favourably situated for receiving help from or rendering aid to Harper's Ferry.

Meanwhile, since the arrival of the New York 7th on April 25, Washington had been entirely secure and was rapidly filling with Federal troops. On May 24 a strong detachment crossed the Potomac, occupied the neighbouring town of Alexandria, and began the erection of a chain of forts and entrenchments some eighteen miles in length on the Virginia side, while a complementary system of fortification was also rapidly completed on the Maryland side of the city, rendering the national capital practically impregnable against hostile attack when properly manned. By this time a strong garrison had been gathered in and near Fortress Monroe, the command of which was taken over by General B. F. Butler ; while the bulk of the Pennsylvania quota, with the regiments from other States, was organised under the command of General Robert Patterson, and prepared for a campaign against Harper's Ferry.

The popular mind in the loyal States had been greatly inflamed by the quick succession of reverses which attended the beginning of the struggle — the loss of Sumter, of Harper's Ferry, and of the Norfolk Navy Yard ; the Baltimore massacre ; the isolation of the capital ; the assassination of Colonel Ellsworth when Alexandria was occupied. To this series of untoward incidents were soon added two others, one occurring on June 17, at a little station called Vienna, near Washington, where two cars filled with troops were incautiously run under fire of a passing Confederate battery; and another on June 10, at Big Bethel, near Fortress Monroe, where a badly ordered attempt to dislodge a rebel battery

by a night-march was defeated. In these cases, as before, the losses were relatively trifling, but they had an exasperating effect on public opinion, still hot with indignation over the Sumter bombardment.

Unjust criticism and imprudent clamour for energy, for action, for an advance, began to pour in on the Administration, which was indeed quite as solicitous as the public in this behalf, since the authorities plainly saw that the three-months' term of enlistment of the seventy-five militia regiments was rapidly running out. On June 29 President Lincoln called his Cabinet and principal military officers to a council of war at the Executive Mansion. A crisis had been reached in which political conditions seemed imperatively to require a vigorous military demonstration against the rebellion. General Scott, with his great professional knowledge and experience, deemed such a course injudicious and premature. Nevertheless, he gracefully withdrew his objection, and gave his earnest co-operation and valuable judgment to the elaboration of a plan of campaign, drawn up by Brigadier-General Irvin McDowell, against the Confederate army at Manassas. That army, under the command of General G. T. Beauregard, who had won much public applause throughout the South by his conduct of the siege of Fort Sumter, was now estimated at 25,000 men, though it was actually only 22,000 strong. McDowell proposed to advance with a force of 30,000 and to attack the main Confederate position.

The principal danger in this plan was that the other Confederate army near Harper's Ferry, numbering ten to twelve thousand effectives under command of General J. E. Johnston, might, either by means of available railroad transport, or even a rapid march, succeed in forming a junction with Beauregard, thus conferring numerical superiority on the defence. It seemed, however, quite possible to prevent such a junction. General Robert Patterson, at the head of seventeen Federal regiments, had advanced against Harper's Ferry, and, finding it evacuated, crossed the Potomac on June 16, though he soon again retired to the Maryland side because a portion of his force had been withdrawn from him. Being again strengthened, he once more moved across the Potomac on July 2, and advancing, took position at Martinsburg, the enemy having retired to Winchester. When, therefore, McDowell stated to the council that he could not undertake to meet all the rebel forces together, General Scott assured him, "If Johnston joins Beauregard he shall have Patterson on his heels," and sent orders intended to insure that result.

McDowell started on his expedition on July 16, with a marching force of 28,000 men, 49 guns, and one regiment of cavalry. The rebels had some slight fieldworks at Manassas, armed with 15 heavy guns and garrisoned by 2000 men. Beauregard's main army was posted along the south bank of a stream called Bull Run, that flows in a south-easterly direction three miles east of Manassas. His line was about eight miles

in length, his force having been increased to over 23,000 men with 35 guns. By an unopposed but rather slow march, McDowell reached the village of Centerville, opposite the enemy, on the 20th, and on the following day, Sunday, July 21, crossing Bull Run by a circuitous march, attacked the enemy's left flank.

Until noon he drove the Confederates before him ; and had General Scott's promise been fulfilled, would have secured an easy victory. The usual dispute exists whether or not Patterson, in the Shenandoah valley, obeyed orders, but the exact fact remains that he neither attacked nor strongly threatened, and that on the 18th Johnston marched away from him, with 9000 effectives, and got them safely into Beauregard's camp behind Bull Run on the afternoon of the 21st, increasing the Confederate forces (at the close of the fight) to a total of 32,000 men with 57 guns. When therefore McDowell resumed his attack in the afternoon, his advance was checked ; and about four o'clock seven fresh rebel regiments suddenly came out of the woods from the direction of the Manassas railroad station, against the Union right flank. At this heavy onset from an unexpected quarter, the Union soldiers gave up the fight, and half marched, half ran from the field, convinced that Johnston's army had at length arrived, and not knowing that they had been fighting a portion of it all day.

The Confederates were as much surprised as their foes at their sudden victory. There was little pursuit. The vanquished regiments hurried to Centerville, sweeping the reserves back with them in a general retreat upon Washington. The losses, nearly equal on both sides, attest the common valour of the raw troops which for the first time met in battle. The official reports show a loss to the Union side of 25 guns, 460 killed and 2436 wounded and missing ; on the Confederate side, 387 killed, 1582 wounded, and a few prisoners. General Sherman, who commanded a brigade in it, says, " It was one of the best planned battles of the war, but one of the worst fought." General Johnston says, " If the tactics of the Federals had been equal to their strategy, we should have been beaten."

The Confederate victory at Bull Run produced throughout the South a feeling of wild exultation, and full confidence in its ability to achieve ultimate independence. To the North, on the contrary, the Union defeat was a bitter disappointment and a deep humiliation. The newspaper reports of the battle greatly exaggerated the disaster, representing it as an unmitigated panic and rout. What there was of panic had occurred among the fringe of teamsters and camp-followers at the rear. It was this which came under the personal notice of the newspaper correspondents, and gave colour to their whole recital of the day's events. In reality most of the regiments returned to the forts before Washington in reasonably good order, though, as always happens, there were many stragglers ; and these, drifting in confusion through the national capital

on the following day, created there also the impression of widespread demoralisation. To the Lincoln Administration, as well as to Congress, which had met in special session on the 4th of July, the result of the battle was naturally a painful surprise. General Scott had confidently expected victory, and his preparations and orders had indeed provided for one. But for the failure of Patterson to hold Johnston at Winchester, the result would have been different.

Congress was deeply agitated by the disaster. Several members went to the front to witness the battle, and one of them, being taken prisoner, paid for his curiosity by some months of military imprisonment at Richmond. The discussions which took place in both Houses developed much harsh comment and criticism ; and the event laid the foundation for that partisan opposition from Democratic members, and indeed from the bulk of that party, with many noble exceptions, which grew in intensity and gave much annoyance, and even occasional grave embarrassment, to the Administration of President Lincoln throughout the remainder of the war.

On the whole, however, the defeat at Bull Run had the effect of increasing and deepening the zeal, courage, and determination of the Administration, the Congress, the army, and the country. The first thing done was to call General McClellan to Washington, where his pre-eminent skill as an organiser in a few days cleared the city of stragglers, and restored system and order to every department of military management. The three-months' militia regiments were mustered out of service ; and out of the new regiments of three-years' volunteers which were pouring into the capital, his methodical supervision organised that body of American soldiers destined to become famous as the Army of the Potomac.

McClellan was received with great cordiality and warm friendship by the President and Cabinet, by General Scott, by officials and dignitaries of all grades, and especially by the army and the public. He had youth, enthusiasm, industry, and a winning personality. Besides he was the victor of Rich Mountain, so far the only Unionist success. He received not only every attention, but every assistance in his task, and over-eager public opinion prematurely imagined him the coming hero. He was astounded at the power and consideration accorded him. "I find myself in a new and strange position here," he wrote, " President, Cabinet, General Scott and all deferring to me. By some strange operation of magic, I seem to have become the power of the land." Three days later he wrote, " They give me my way in everything, full swing, and unbounded confidence."

The excessive gifts which fortune had bestowed on him proved fatal to his usefulness and fame. His astonishment lapsed at once into an inordinate self-esteem. He accepted his honours as already won, and repaid the confidence of his superiors with ill-concealed arrogance. His

demeanour towards his illustrious chief, General Scott, quickly ran from indifference to neglect, and from neglect to defiance of his military authority and the ignoring of his orders. In his private correspondence he spoke contemptuously of the President, called the Cabinet "geese," and avowed that he was "disgusted with this Administration—perfectly sick of it." He represented himself as "called upon to save the country," and announced, "I would cheerfully take the dictatorship and agree to lay down my life when the country is saved." He regarded the Army of the Potomac as his own, claiming for it all the best troops, the most experienced officers, and the newest arms. The favours he could bestow quickly gathered about him a circle of flatterers; and he became the idol alike of the Potomac camps and the Washington drawing-rooms, while newspaper correspondents fulsomely dubbed him the Young Napoleon.

This undercurrent of colossal vanity and these dictatorial dreams were unsuspected at the moment. They only came fully to light in his autobiography and letters, published after his death, and serve to explain at once the melancholy weakness of his character, and the source of his military failure. The deplorable change did not escape the keen observation of the President; but the General's assumptions were tolerated, and even his whims indulged, in the hope that his brilliant professional accomplishments might be turned to the public service. On November 1 General Scott, at his own request, was relieved, and McClellan put in his place as General-in-Chief. This gave him control of all the forces of the Union, with an army of nearly 125,000 effectives under his immediate personal command, organised, drilled, armed, and supplied with a thoroughness of detail, a quality of material, and an average ability of subordinate command only excelled in the most advanced military nations.

Opposed to the Unionist army there lay around the battle-field of Bull Run the Confederate army under Johnston, with an effective force of less than 50,000 men. Its officers and the Richmond authorities had during the autumn planned several offensive movements, only however to postpone or reject them for want of what they considered adequate force, which with all their revolutionary enterprise they could not bring together without too much exposing other points.

President Lincoln had long hoped for some effective movement against the Confederacy from the army under McClellan's command; and that officer frequently hinted at the great things he intended to do with it. At first he gave the Administration to understand that General Scott was in his way; and, after his retirement, answered the President's suggestions with an alternation of promises and excuses. With a superiority of three to one over the enemy in his immediate front, he allowed the propitious season to wear away. Towards the end of October, he ordered a reconnaissance on the upper Potomac, which

instead of a victory brought on the affair of Ball's Bluff, a small engagement, ending in a discreditable Union defeat. The number of casualties was insignificant, but the accidents of the battle so much resembled blunders that it had an exasperating effect on public opinion.

Very soon after, in the first week of December, Congress again met in annual session ; and the restless spirits in that body began to reflect the popular impatience with increasing emphasis. As a consequence of the discussions it evoked, Congress created a permanent joint committee of the two Houses, known as the Committee on the Conduct of the War. It consisted of Senators Wade, Chandler, and Andrew Johnson (afterwards President) and Representatives Gooch, Covode, Julian, and Odell. It played an important part throughout the whole war by its investigation into, and criticism of, military affairs ; and the inaction of General McClellan came in for an early share of both its confidential and public dissatisfaction.

While the President defended the general against these strictures, insisting that he must be allowed to take his own time, he admonished that officer that he must not fail to take into account the official standing and influence of the Committee, and the pressing need of action. But still day after day passed away in parades and reviews, while little by little the enemy established batteries on the Virginia shore of the Potomac, which in time enforced an almost complete blockade of the river. Finally, McClellan's magnificent army went into winter quarters, and the daily newspaper report of "all quiet on the Potomac" passed into a derisive popular byword. To crown all, McClellan fell seriously ill ; and in an interview with Generals McDowell and Franklin, on January 10, 1862, President Lincoln made the sarcastic comment : "If something were not soon done, the bottom would be out of the whole affair ; and if General McClellan did not want to use the army, he would like to borrow it, provided he could see how it could be made to do something."

The public and official impatience was not unnatural, when we remember existing conditions. Until the beginning of the year 1861 the peace of the country had been disturbed only once during nearly half a century. The home experiences of the Mexican War were little else than the enthusiasm of raising volunteers and reading bulletins of victories. Excitement over the Utah and Kansas episodes was political and not military. These recollections stimulated rather than restrained the popular craving for results.

Since the fall of Sumter, if we except the magnificent manifestations of patriotic loyalty by the North, and the miniature victory of Rich Mountain, nearly all the military incidents had proved a keen irritation to her people. Baltimore, Big Bethel, Bull Run, Ball's Bluff, were names at which resentment ever flamed up afresh. The tension was somewhat relieved when Commodore Wilkes captured the Confederate

envoys Mason and Slidell on their way from Havana to Europe, only however to be again embittered by England's peremptory demand for their release, and the necessity of surrendering them, because the seizure had not been made in strict accordance with international usages.

In reality great preliminary progress had already been made towards the maintenance of the government and the eventual suppression of the rebellion. A considerable navy had been improvised; Port Royal, the finest Southern harbour, captured and occupied; and an effectual blockade established along the whole vast line of the Atlantic and Gulf coasts. The Confederate leaders had confidently expected to secure the adhesion of the entire South; but this hope had been effectually baffled. Maryland, Western Virginia, Kentucky, and Missouri, forming the whole northern tier of the Slave States, were under the official control of the Unionist government, and for the greater part within Union military lines. Half a million Federal soldiers were under arms, ready for future campaigns; and there was as yet no perceptible abatement in the streams of volunteers flowing to camps of instruction near the capitals of the Free States. The cool wisdom of the President had averted a rupture with England; and Napoleon III, though filled with unfriendly sentiment, hesitated in his ambitious designs.

With the character and extent of the civil war thus much more clearly defined, it becomes easier to trace out and comprehend the scope and succession of the principal military campaigns destined to follow. Geographically the area of insurrection fell into three great divisions, (1) from the Atlantic coast to the Alleghany Mountains, (2) from the Alleghanies to the Mississippi, (3) from the Mississippi to the western frontier. But the political and strategical fields did not immediately coincide with the geographical. If not of the greatest, at least of the first importance was the blockade by which a barrier of ocean patrol was stretched from Chesapeake Bay to the mouth of the Rio Grande. It marked and guarded the sovereignty of the United States over that part of the Atlantic seaboard which the President's proclamation closed to the commerce of the world. Except at the risk of capture and confiscation, no foreign ship might enter its ports to bring arms or munitions to the insurrection; no Confederate vessel might sail out of them to wage war or carry cotton to exchange for gold in Europe. No commercial privileges could be offered by the Confederate States to tempt a foreign nation to intervene. So strictly was the blockade enforced that foreign luxuries disappeared from Southern homes, and Confederate credit shrank to worthlessness.

Of the three geographical divisions, that between the Atlantic coast and the Alleghanies assumed from the beginning and maintained till the end the leading importance. Washington City, the Federal

capital, lying on the Potomac river between the Slave States of Maryland and Virginia, had been the earliest point of danger, and necessitated the principal concentration of Union troops. The Confederate capital, first located at Montgomery, Alabama, where the Secessionist government was organised, was, about June 1, 1861, moved to Richmond, Virginia. This town, lying on the James river, 115 miles nearly due south of Washington, was thenceforward the political and military focus of the rebellion, requiring the support of the principal Confederate army. The country between and around these opposing capitals therefore became of necessity, with only occasional diversions, the main field of conflict in the Civil War. In the resulting campaigns in this field, the Union army by reason of its superior numbers almost constantly maintained the aggressive, its object being to capture, and that of the Confederates to defend, the city of Richmond.

The military importance of the other two great geographical divisions lay primarily, not in their vast territorial extent, but in the political and commercial value of the Mississippi river, which divided them. As a military highway, as a principal commercial artery, as a valuable and permanent asset in national and international politics, the possession and control of that stream became the leading object of the combatants in the Western campaigns. On the Mississippi were situated the two great commercial cities of the West, St Louis in Federal, New Orleans in Confederate territory. The Confederates, being in possession, had made what haste they could to fortify the stream at the most available points. Meanwhile, on its part, the Union government had secured a peculiarly advantageous position to attack it. The southern end of the free State of Illinois, wedgelike in shape, runs down between the upper Mississippi and Ohio rivers, to their junction at Cairo, thrusting free territory and anti-slavery sentiment farther into the South than at any other point; while a group of populous and energetic Free States lay immediately to the north, capable of supplying a weight of men and resources, the onset of which it would be difficult to resist, and which, if not resisted, would at once cut off and paralyse the military strength of from one-third to one-half of the territory of the Confederate States.

After the year 1861, therefore, the military operations of the Union armies for the suppression of the rebellion followed three great lines of activity. First, the maintenance of the Atlantic blockade, and the capture of all forts and harbours on the seaboard. Second, the Virginia campaigns for the capture of Richmond. Third, the opening of the Mississippi river, to be followed by a central and closing campaign through Tennessee, Georgia, and the Carolinas. On the other hand, all the efforts of the Confederates were put forth to counteract and foil these efforts.

CHAPTER XV

THE CIVIL WAR: II

(1) McClellan in Virginia

Owing to a slight disagreement in policy, which however in no wise disturbed their friendly personal and party relations, President Lincoln, about the middle of January, 1862, transferred Secretary Cameron to the post of Minister to Russia, and appointed Edwin M. Stanton Secretary of War to succeed him. Stanton had been Attorney-General under Buchanan during the last two months of his administration, and in the Secession crisis had amply proved his loyal devotion to the Union. Simultaneously with this change, Lincoln on January 27 issued his President's War Order, No. 1, directing all the armies to move on the February 22 following. Two similar orders speedily followed, one dividing the Army of the Potomac into four army corps, and assigning to them senior division commanders, while the other relieved McClellan from the duties of General-in-Chief, and appointed him to the single task of conducting the campaign against Richmond. Thus far that general had neither made any movement with his immense army, nor adopted any plan to that end. On this point there had been from the first a disagreement between the President and himself. With correct military instinct, the President believed the war could be ended most quickly by fighting and conquering the Confederate armies, instead of merely occupying the Confederate capital; and for that purpose he wished the Army of the Potomac to move directly against the enemy at Manassas. McClellan, on the contrary, preferred a flank movement down Chesapeake Bay, and a land march from either Urbana or Fortress Monroe against Richmond. Before this difference was adjusted, occurred the famous battle between the ironclads *Monitor* and *Merrimac* in Hampton Roads, on March 9, 1862, and on the same day the sudden retreat of the Confederate army under Johnston toward Richmond, from its advanced position at Manassas to Gordonsville behind the Rappahannock and

Rapidan. Had McClellan, as directed by the President's first War Order, moved against it on February 22, as he might have done with double numbers, he could have won an easy and invaluable victory.

Under the new conditions the four corps-commanders met in a council of war on March 13, and decided in favour of the route by way of Fortress Monroe. McClellan adopted the plan; and it was also accepted by the President, with the conditions that Manassas should be occupied and permanently held, and Washington City be left entirely secure. "Move the remainder of the force down the Potomac," wrote the Secretary of War, communicating the President's decision, "choosing a new base at Fortress Monroe, or anywhere between here and there, or at all events, move such remainder of the army at once, in pursuit of the enemy, by some route." Preparations for a movement by water had already been set on foot. The troops began their embarkation on March 17, and on April 5 the officer charged with the duty reported that he had transported to Fortress Monroe an army of 121,500 men with all their animals, waggons, batteries, pontoon bridges, and other impedimenta.

General McClellan arrived at Fortress Monroe on April 2 to lead his army up the Peninsula between the York and James rivers. Had he pursued the prompt and vigorous march he originally contemplated, he would have found no Confederate forces between him and Richmond capable of resisting the greatly superior army under his command. But from this point his campaign took on the double character of a fault-finding correspondence with the President and Secretary of War, and a feeble and hesitating advance; an approach that was more defensive than aggressive, giving the enemy ample time to concentrate their scattered detachments into a formidable army that successfully warded off the threatened loss of their capital, and finally caused the whole expeditionary force to be withdrawn. The two things of which McClellan chiefly complained, viz. that McDowell's corps was temporarily withheld, and that the navy did not render him expected help, were due to his own neglect of the President's positive injunction, approved by his own council of war, that he should leave Washington secure. Instead of the 55,000 men needed for the Washington forts, and a covering force, he had left behind only 18,000; and this neglect rendered imperative the temporary retention of McDowell, the greater portion of whose corps was however finally sent to McClellan. The promise that the navy should co-operate existed only in his own imagination. He had neither stipulated for this, nor had he received any promise of the specific work which he now declared it should have accomplished.

Besides answering the general's complaints, President Lincoln continually admonished him to push his campaign with serious energy. "And once more let me tell you," he wrote to him on April 9, "it is indispensable to you that you strike a blow. I am powerless to help this.

You will do me the justice to remember I always insisted that going down the bay in search of a field, instead of fighting at or near Manassas, was only shifting and not surmounting a difficulty; that we would find the same enemy and the same or equal entrenchments at either place. The country will not fail to note — is noting now — that the present hesitation to move upon an entrenched enemy is but the story of Manassas repeated."

Beginning his march with 50,000 men on April 4, McClellan found his first obstacle at Yorktown on the York river, which place, with Gloucester Point opposite, the Confederates had strongly fortified. But the Confederate General Magruder had only a garrison of 6000, with 5000 other troops spread along a line thirteen miles in length, to an inlet from the James river. Instead of promptly breaking through this line, which his overwhelming force of four to one would have enabled him to do, McClellan laid regular siege to Yorktown, and spent almost a month in digging trenches and building batteries. At midnight on May 3, when McClellan was ready to open his bombardment with nearly a hundred guns, Johnston, who had superseded Magruder, suddenly evacuated the place, marching away with the 50,000 men he had been able to accumulate. He was well satisfied with the respite which McClellan had allowed Magruder. To use his own language, "It saved Richmond, and gave the Confederate government time to swell that officer's handful to an army."

General McClellan learned the evacuation of Yorktown at dawn on May 4; but the news found him so thoroughly surprised and unprepared that noon came before he could organise the pursuit. This gave the enemy ample time to prepare their next point of delay at Williamsburg, where a number of redoubts and entrenchments had previously been got ready. Here on May 5 was fought a battle without plan, without guiding supervision, but not apparently without misunderstandings between the Federal commanders that resulted in ample reinforcements idly awaiting orders, while their comrades were being pressed and driven back by greater numbers. McClellan only arrived on the scene late in the afternoon, having stayed behind at Yorktown in order to send troops up the York river to West Point, which was to be his principal depôt of supplies. On the Unionist side, parts of four divisions were engaged, and on the Confederate side about 10,000 men. Both sides claimed a victory, but the manifest advantage fell to the Confederates, who were able to continue their retrograde movement unmolested, while McClellan remained several days at Williamsburg. The Confederate retreat, however, opened the James river to Unionist gunboats. The enemy abandoned Norfolk, which was occupied on May 10 by an expedition from Fortress Monroe under General Wool; and the Confederate ironclad *Merrimac* on the Elizabeth river, thus caught between the Federal forces, was on May 11 abandoned by her officers and crew, set on fire, and blown up.

One of McClellan's besetting weaknesses was to overestimate the enemy's strength. His desire to ensure success and his fear of failure were both so great, that his judgment was continually at fault about difficulties and obstacles. All the previous autumn, while Johnston, with less than 50,000 men, lay at Manassas, watching the Army of the Potomac about Washington, McClellan reported the Confederate strength at triple its real number. After his landing in the peninsula the same nightmare haunted his imagination. On the second day after his arrival before Yorktown and Magruder's line of 11,000 men, he wrote in his despatch to the Secretary of War: "It seems clear that I shall have the whole force of the enemy on my hands — certainly not less than 100,000, and probably more." Five days after the battle of Williamsburg, he wrote in another despatch, "If I am not reinforced it is probable I shall be obliged to fight double my numbers, strongly entrenched." And again on May 14, "I must attack in position, probably entrenched . . . perhaps double my numbers."

McClellan's clamour for reinforcements had its effect at Washington; and on May 18 the Secretary of War informed him that the President, while unwilling to uncover the capital entirely, had ordered McDowell to move with between 35,000 and 40,000 men to join him by a land march. "At your earnest call for reinforcements he is sent forward to co-operate in the reduction of Richmond, but charged in attempting this not to uncover the city of Washington; and you will give no order, either before or after your junction, which can put him out of position to cover this city." McDowell's march however was quickly interrupted; McClellan's leisurely campaign had permitted Lee to send a detachment to Stonewall Jackson in the Shenandoah valley, with which that commander made a rapid march northward, fighting and driving before him the scattered Union forces, as far as Harper's Ferry. It was both an audacious and reckless expedition, offering a chance to intercept his retreat and capture his entire command; and to effect this McDowell's course was changed by orders from the President. McDowell executed his new orders with all promptness; but Frémont, who had been ordered to co-operate, was wanting. Stationed in the mountains beyond the valley, he took a route other than that by which he had been directed to proceed, and failed to reach the rendezvous at the appointed time, thus enabling Jackson to escape between his pursuers.

Meanwhile the slowly retiring Confederate army went into camp about three miles from Richmond in front of the fortifications erected for that city's defence, while McClellan advanced his forces and placed them in position in a line about thirteen miles in length on the left bank of the Chickahominy. Along this stream, a low swampy creek in dry weather, expanding into a broad belt of half marsh, half river in periods of rain, that rendered it entirely impassable except by bridges, the Union army lay from Bottom Bridge to New Bridge; its route of supplies being from

West Point on the York river, by way of White House on the Pamunky river.

So far from having to overcome double numbers, as he continually reported, McClellan's next serious fighting occurred when his own army was just twice as strong as that of the Confederates. On May 31 the Unionist forces under his command showed an aggregate of 127,000, while that of the enemy under Johnston's command was about 62,000. It was not the want of troops, but the faulty position in which General McClellan had placed a part of his army, that enabled the enemy suddenly to fall upon it in superior strength. Two of McClellan's army corps, those under Heintzelman and Keyes, forming his left wing, had with much bridge-building and entrenching been pushed across the Chickahominy to the neighbourhood of Seven Pines and Fair Oaks, five miles from the fortifications of Richmond, while the remaining three corps were yet in their old position, thus leaving the army divided by the treacherous stream.

McClellan's own report relates part of the result. "During the day and night of the 30th of May a very violent storm occurred. The rain falling in torrents rendered work on the rifle-pits and bridges impracticable, made the roads almost impassable, and threatened the destruction of the bridges over the Chickahominy. The enemy, perceiving the unfavourable position in which we were placed, and the possibility of destroying that part of our army which was apparently cut off from the main body by the rapidly rising stream, threw an overwhelming force . . . upon the position occupied by Casey's division."

This attack, begun by the Confederates on the afternoon of May 31, would probably have been fatal to the isolated Unionist left wing, but for the energy of General Sumner, commanding a Unionist corps nearest the battle-field. When he received orders to cross the Chickahominy to the help of his comrades, one of his two available bridges was already swept away by the flood, and the remaining one nearly submerged; and this became totally useless immediately after his corps had passed over it. But he arrived in time, if not to win a victory, at least to prevent a defeat. When night closed, the combatants bivouacked on the field, and in the desultory fighting of next morning, the Unionist troops regained their lost ground, while the enemy withdrew. A serious battle had been fought, without decisive result, except the loss of 5000 Federals and 6000 Confederates. Late in the evening General Johnston was seriously wounded, and General Lee succeeded him in command of the Confederate army.

Competent critics have written that that was the opportune moment, when the Unionist army, with its great superiority of numbers, with the inspiration of success, with two-thirds of the Confederate army crippled, disheartened, and retreating, could under a capable commander have immediately advanced and taken Richmond. McClellan in his report

elaborately argues the impossibility of his doing so, since his army was divided, the bridges destroyed, the roads impassable. He states that it would have required a march of twenty-three miles, occupying two entire days, to unite his right wing with his left; but he remains innocently unconscious of the light thus reflected on his own strategy, by his having placed his army in such a situation, astride of so serious an obstacle.

The escape of Jackson from the well-planned junction of the Unionist detachments in the Shenandoah valley, and the repulse of the Confederate attack at Seven Pines and Fair Oaks on the Chickahominy, occurred simultaneously about June 1, 1862. After that came two weeks of extremely bad weather, during which General McClellan reported his time to be fully occupied in repairing bridges and restoring the roads carried away and damaged by the floods, and in preparation to unite his separated army on the Richmond side of the Chickahominy. He telegraphed on June 10, "I shall attack as soon as the weather and ground permit, but there will be a delay, the extent of which no one can foresee, for the season is altogether abnormal."

In response to his continual call for reinforcements, the President ordered about 20,000 well-organised troops to his aid, half of them — from McDowell's corps — to go by water; and so rearranged the commands in the Shenandoah valley that McDowell with the remainder of his corps should join him by a land march. McClellan's report, written more than a year after the event, states that he intended to attack about June 26; but there are indications in his despatches to show that he was already vaguely meditating a change of base to the James river. The exact position of Jackson's force was not known for some time owing to the confusing rumours he set afloat, but towards the end of June it became evident that he was returning to Richmond, which, with other indications, implied that Lee either intended or expected a serious collision near that city.

It is quite clear that President Lincoln had become convinced, from the tenor of General McClellan's correspondence during his whole peninsular campaign, that that general's expedition against Richmond would ultimately be more likely to fail than succeed, though he continued to send him every encouragement. It must have been some such feeling which prompted the President to visit General Scott for advice on June 24, for on his return to Washington he called General Pope from the west, and on June 26 gave him the command of the forces under Frémont, Banks, and McDowell, to be called the Army of Virginia, assigning to it the duty of guarding Washington and the Shenandoah valley, and also of co-operating in the campaign against Richmond.

The precaution was taken not a day too soon. On the afternoon of June 25 McClellan sent three telegrams to announce that he had that morning begun a general forward movement, against which the

enemy was making a desperate resistance. His second telegram, sent at three o'clock, said it was not a battle; his third, sent at five, that he had fully gained his point with but little loss. But at a quarter past six he sent a fourth and, this time, a lengthy despatch, in which President Lincoln, familiar with the general's quick changes of mood, at once read the presage of defeat. It announced that Beauregard had arrived in Richmond with strong reinforcements; that Jackson would attack his rear; that the total rebel force was reported at 200,000. "I will do all that a general can do," continued he, "with the splendid army I have the honour to command, and, if it is destroyed by overwhelming numbers, can at least die with it and share its fate. But if the result of the action, which will probably occur to-morrow or within a short time, is a disaster, the responsibility cannot be thrown on my shoulders; it must rest where it belongs."

The distorted rumours that threw McClellan into this gloomy state of mind had for their basis only the fact that General Lee, taking advantage of McClellan's inaction during nearly the whole of June, gathered an army of 80,762 well-trained and well-appointed Confederate soldiers and carefully prepared to attack and, as he confidently hoped, destroy the Union army. To carry out this plan he recalled Jackson from the Shenandoah valley, and so early as June 13 sent General Stuart, with 1200 Confederate cavalry and a few guns, on a raid entirely around McClellan's army, which that enterprising leader successfully accomplished, burning two schooners laden with forage and fourteen government waggons, besides doing other miscellaneous damage on the way. So confident of success was Lee that he took the risk of dividing his force, sending two-thirds of it north of the Chickahominy to drive McClellan's right wing down the peninsula. It was the movement thus begun on June 26 which inaugurated the series of conflicts known as the Seven Days' Battles.

Strong as he had managed to make the Confederate army, its mere numbers did not yet render it capable of performing the extraordinary task he set it. McClellan's effective force for the coming encounters has been carefully estimated to have been 92,500 — while his own official report, five days earlier, reckoned it at 105,445. It was that general's chronic habit of overestimating the enemy that prompted his fear of being overwhelmed by 200,000, as expressed in his despatch to the President of June 25. Doubtless Mr Lincoln congratulated himself on having organised a new army under Pope, which, in case of the defeat which McClellan's despatch foreshadowed, he could interpose between Lee and Washington; for the postscript of his reply to McClellan says significantly, "General Pope thinks, if you fall back, it would be much better toward York river than toward the James."

McClellan's despatch at noon of June 26 was more hopeful, for he promised to do his best "to out-manœuvre, outwit, and out-fight the

enemy." But this courageous mood did not last long. A little past midnight, reporting the fighting of the 27th, he wrote to the Secretary of War in an uncontrollable emotion of despair and insubordination, "I have not a man in reserve, and shall be glad to cover my retreat and save the material and personnel of the army. . . . If I save this army now, I tell you plainly that I owe no thanks to you or to any other persons in Washington. You have done your best to sacrifice this army."

There was no occasion for the general's absurd panic. On the 26th his troops had won a splendid victory. On the 27th, though with great loss, they had firmly held their ground against heavy odds. On the 28th they had, by the testimony of eminent Confederate leaders, an advantage of position which, properly used, would have made them masters of Richmond in a single day. On the 29th and 30th they more than held their own, and on July 1 they won a victory at Malvern Hill that shattered the Confederate army. It was only the discouragement of their commander that caused their retreat to the shelter of the Union gunboats at Harrison's Landing on the James river.

The President was less alarmed at the reported disaster to the army, than at the utter collapse of McClellan's courage and hope. He sent him a kind message to save his army at all events, and hurried reinforcements to him from all available points. Further news soon made it evident that there was no immediate danger, for Lee had withdrawn his crippled army to Richmond. For the President, however, the crisis had a wider import, and he now took prompt measures to meet it. It was plain that an error had been committed when in April the recruiting of the armies was stopped. Additional forces were needed east and west, and that speedily. The President sent Secretary Seward to New York with a letter addressed to the governors of the loyal States setting forth the military situation, and adding: "Rather than hazard the misapprehension of our military condition and of groundless alarm by a call for troops by proclamation, I have deemed it best to address you in this form. To accomplish the object stated we require, without delay, 150,000 men, including those recently called for by the Secretary of War. Thus reinforced, our gallant army will be enabled to realise the hopes and expectations of the government and the people."

With this he also addressed to Secretary Seward another letter, to be shown confidentially to the governors, containing one of the most impressive official declarations of his whole administration. "I expect to maintain this contest until successful, or till I die, or am conquered, or my term expires, or Congress or the country forsake me; and I would publicly appeal to the country for this new force, were it not that I fear a general panic and stampede would follow, so hard is it

to have a thing understood as it really is." Responding nobly to the suggestion, eighteen governors immediately signed a joint tender of troops, under which a call for 300,000 volunteers was issued.

On July 8 and 9 the President visited Harrison's Landing, and in a personal conference with General McClellan and the commanders of the several army corps, made specific inquiry of each, of the number of troops, their sanitary condition, the losses in the late battles, and the expediency of renewing the campaign or withdrawing the army. In a letter of July 3 McClellan said he doubted whether he had with him "more than 50,000 men with their colours." His tri-monthly return for July 10, one day after the President's visit and a week after the battle of Malvern Hill, shows present for duty equipped 98,631, aggregate present 117,714, aggregate present and absent 157,038 — of whom 34,472 were absent by authority.

Having provided for an early increase of the armies, the President now also inaugurated a change in their management. On his return to Washington he, by an order of July 11, constituted General Halleck General-in-Chief of all the land forces, and called him to Washington. Reaching the capital on the 22nd, Halleck was immediately sent to Harrison's Landing to acquaint himself with the situation, and to confer with General McClellan. The result was that, on Halleck's return, the Administration resolved to withdraw the Army of the Potomac from Harrison's Landing and bring it back to be united with the Army of Virginia, under General Pope. McClellan persistently opposed the change, and by various delays so thwarted its execution that he and his army did not reach the neighbourhood of Washington till August 27.

By that date General Lee, relieved from all danger to Richmond, had assumed the offensive and marched against Pope. With his whole force he confronted that general near the old battle-field of Bull Run, where three days later, on August 30, 1862, he inflicted a second great defeat on the Unionist army, partly on the same ground as that of the former battle. It is quite evident that this defeat resulted from McClellan's delays and the want of efficient co-operation between him and some of his corps-commanders. There was then, and has been ever since, angry controversy as to whether such delay and want of co-operation were intentional or not. Under the firm belief that they were, a court-martial cashiered General Fitz-John Porter, one of the corps-commanders; and President Lincoln approved the finding. Long years afterward General Grant entertained a contrary opinion, and Congress reinstated Porter in his rank. At the moment, however, in view of the discouragement and demoralisation caused by the defeat and the imminent danger to the city of Washington, Pope was relieved and assigned to other duty; and President Lincoln, recognising McClellan's great ability as an organiser and the unaccountable influence he seemed to possess

with the Army of the Potomac and most of its leaders, placed him, on September 2, in command of the defences of Washington, to gather and consolidate the beaten and dispirited troops. Mr Lincoln took this action against the judgment of a majority of his Cabinet, simply because McClellan, dilatory as he was, was the fittest instrument to avert a momentary danger ; and the general, who for two months had been contemptuous and half mutinous in his conduct toward the President, the Secretary of War, and General Halleck, now began again to show a zealous deference towards his superiors, and with unwonted personal activity soon restored order and harmony in the reunited army.

General Lee, seeing no chance of a successful attack on Washington, now conceived a plan to extend his offensive campaign, and moved his whole army across the Potomac into Maryland, by way of Leesburg and Frederick, with the double hope of causing a rising among the Maryland Secessionists and drawing McClellan into a battle favourable to the Confederates. There was also the possibility that, if he could win a decisive victory, he might seize the communications with Washington, or perhaps even advance into Pennsylvania, occupy Philadelphia, and dictate a peace in Independence Hall.

McClellan's duty was to oppose defensive tactics to Lee's movement, and to protect the capital ; but this plan of action was, without the previous consent of the authorities, gradually changed into that of a campaign against Lee. It is not likely that this would have been permitted had President Lincoln been possessed of all the information which in the course of thirty years has subsequently thrown light on McClellan's character and conduct. But it was a time of uncertainty and apprehension. Lee's audacity portended greater danger than really existed ; and the governor of Pennsylvania called out his militia reserves. At this point a rare piece of good fortune once more fell to McClellan's lot. On September 13 a private soldier picked up, in one of the enemy's abandoned camps, a copy of Lee's General Order of September 9, which, placed in McClellan's hands, gave him full information as to the movements and intentions of the enemy. It was to the effect that Lee had divided his forces, leaving one portion in Maryland while the other recrossed the Potomac to capture Harper's Ferry ; and that their weakened vanguard was within a twenty-miles march.

But even this brilliant opportunity of annihilating the foe was insufficient to rouse McClellan to energy and expedition. With splendid weather, good roads, and the President's urgent telegram not to let the enemy get away without being hurt, time equal to two full days slipped away in indecision and lethargy ; and, when at last battle was joined at Antietam on September 17, Lee's reunited forces were on the field and in the fight, while one-third of McClellan's army was not engaged at all, and the remainder was sent into action piecemeal, and under orders so defective that co-operative movement and mutual

action were practically impossible. It was a drawn battle, and only the approach of night put an end to the appalling slaughter. While the losses were almost equal, the Confederates were at a disadvantage because they had suffered the greater proportional diminution; and, with the Potomac immediately behind them, it was injudicious at once to begin a retreat. But here again McClellan's hesitation proved their deliverance. It was not till the morning of the 19th that he ordered a renewal of the attack; and by that time the Confederates had retired over the river into Virginia, whereupon he reported with evident satisfaction that he had driven the enemy across the Potomac, and that Pennsylvania was safe.

The first reports about the battle of Antietam were received by the country as news of a great victory; and victory in a measure it certainly was, since it inflicted great losses upon the Confederate army and brought the invasion of Maryland and Pennsylvania to an abrupt close. President Lincoln seized the opportunity so presented to issue his Preliminary Emancipation Proclamation on September 22, a far-reaching executive act, which will be more fully treated in another chapter. But, as he became better acquainted with the facts in detail, Mr Lincoln was profoundly grieved that McClellan had not used his unique opportunity completely to destroy the Confederate forces and practically to end the war.

So decisive an effort seemed to be as far as ever beyond the capacity of the Union commander. All his care was to remain idle near the battle-field, to reinforce and reorganise his army, and to repair the wastes of the campaign. On October 6 Halleck telegraphed to him the President's peremptory order to cross the Potomac and give battle to the enemy or drive him south; but he wasted twenty days more in excuses and complaints before he began his crossing, though he had had for nearly a month over 100,000 men present for duty under his immediate command, with as many more present for duty subject to his orders between him and Washington. To his positive command the President also added repeated criticism, advice, and pressure. "Change position with the enemy," wrote the President, "and think you not he would break your communication with Richmond within the next twenty-four hours? . . . I say 'try'! If we never try, we shall never succeed. . . . If we cannot beat him when he bears the wastage of coming to us, we never can when we bear the wastage of going to him. . . . In coming to us he tenders us an advantage which we should not waive. We should not so operate as to merely drive him away. As we must beat him somewhere or fail finally, we can do it, if at all, easier near to us than far away. If we cannot beat the enemy where he now is, we never can, he again being within the entrenchments of Richmond." But argument and expostulation were alike wasted on McClellan. He was always haunted by the fear of defeat, never

inspired by the hope of victory. The end of his military career came on November 5, 1862, when an order of the President directed him to hand over the command of the Army of the Potomac to Major-General Ambrose E. Burnside, the ranking corps-commander.

(2) Fredericksburg, Chancellorsville, and Gettysburg

Burnside was a West Point graduate, who, having devoted himself to civil pursuits, re-entered the military service at the beginning of the war as Colonel of the 1st Rhode Island regiment. He had commanded a brigade in the first battle of Bull Run, and in the autumn of 1861 organised a half-military, half-naval expedition, which in January, 1862, entered Albemarle Sound, captured Roanoke Island, and by several minor expeditions took possession of nearly all the interior coast-line of North Carolina. From this duty he had been recalled in July, 1862, to reinforce McClellan, after the failure of that general's campaign against Richmond. In the battle of Antietam he nominally commanded the right wing, but as his divisions became separated and went into action on both the extreme right and extreme left, his subordinate generals rather than himself exercised immediate control. His advancement, therefore, was due on the one hand to his military training, handsome personal presence, and winning disposition, and on the other to the steady course of regular promotion, rather than to any manifestation of exceptional military genius.

So it was not unnatural that his appointment to command the Army of the Potomac (an offer of which he had twice before declined) was against his personal wish and inclination. He instinctively and correctly doubted his ability to fulfil the duty. Nevertheless, urged by personal friends and by McClellan himself, with whom he was intimate, he accepted the command. His own lack of confidence, however, soon communicated itself to the whole army and led to speedy disaster. Against the advice of the President and General Halleck, he chose the Rappahannock opposite Fredericksburg as the point from which to advance toward Richmond, and in his movement to it was so delayed by the non-arrival of his pontoon train from Washington that he found the whole of Lee's army impregnably fortified on the hills behind the town when he arrived.

With such a lion in his path, no better plan seems to have occurred to him than simply to cross the river and attack the enemy in position. Bridges were thrown across the stream at two points on December 11 and 12, 1862; and on the 13th the Federal troops made an assault in force which, for desperate courage, hopelessness, and frightful loss, has rarely been equalled. The effort resulted in a complete repulse; and after two days of anxious suspense and indecision, the troops were

withdrawn in an irritation and bitterness of spirit almost akin to mutiny. There arose, of course, the usual controversy as to the causes of the defeat. With frank and manly courage, Burnside himself assumed the responsibility and the blame, giving due credit to the extreme courage and endurance of his troops. The simple explanation was that he had set his army a task practically impossible. The losses were 12,653 on the Federal side and 4201 on that of the Confederates.

This great disaster intensified the want of confidence which the army felt in its commander, and gave rise to such open expressions of discontent among officers and men that the President cautioned Burnside to make no further movement without his knowledge. This in turn led Burnside to demand an explanation of the restraining order. The situation was frankly discussed between them. In order to relieve the embarrassment, the President requested General Halleck to visit the army, examine Burnside's further plans, and approve or disapprove their execution; but Halleck refused the unwelcome task.

On January 21, 1863, Burnside, against the protest of several of his officers, started his army on a second movement, which became known as the "Mud March," because it was cut short by a sudden rainstorm that rendered the roads absolutely impassable. This was hailed as a providential relief by the unwilling soldiers. Every day, every interview, and every letter brought to light increasing mistrust and disagreement. Complaint and recrimination were beginning to demoralise the whole army. On January 23 Burnside drew up an order dismissing or relieving eight or ten of his general officers for various reasons, and presented it, together with his own resignation, to the President, who, seeing that all his efforts at conciliation had proved abortive, relieved him and appointed General Joseph Hooker his successor.

General Hooker was also a West Point graduate, who, re-entering the army at the beginning of the rebellion as Brigadier-General of Volunteers, had risen through the grades of division and corps-commander to the command of Burnside's centre grand division. In the previous battles of Williamsburg, Fair Oaks, Malvern Hill, Second Bull Run, and Antietam, he had gained the sobriquet of "Fighting Joe Hooker." He had been loudest in his criticisms of Burnside and in the manifestation of an insubordinate spirit. The selection was Lincoln's own act, and his reasons for so doing are set forth in one of the President's most characteristic letters. "I believe you to be a brave and skilful soldier, which of course I like. I also believe you do not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable, if not an indispensable, quality. You are ambitious, which, within reasonable bounds, does good rather than harm; but I think that, during General Burnside's command of the army, you have taken counsel of your ambition and thwarted him as much as you could, in which you did a great wrong to the country

and to a most meritorious and honourable brother officer. I have heard, in such a way as to believe it, of your recently saying that both the army and the government needed a dictator. Of course it was not for this, but in spite of it, that I have given you the command. Only those generals who gain successes can set up dictators. What I now ask of you is military success, and I will risk the dictatorship."

This missive, notifying him of his appointment, written confidentially to Hooker on January 25, 1863, did not become public for long years afterwards. At its close it specially enjoined upon the new commander to "beware of rashness." The generous but searching criticism it contained doubtless made a deep impression upon Hooker, for he appears to have endeavoured seriously to conform to the President's injunctions. He laboured hard and succeeded well in restoring the morale of the troops, and by the middle of April had under his command about 130,000 soldiers on whose efficiency he felt he could firmly rely, while both the army and the country had acquired a strong faith in the new commander.

In the interim he made several visits to Washington to confer with the President, and finally laid before him a plan of campaign which in his judgment promised success. Both armies remained in the same relative positions they had occupied while Burnside was in command, and Mr Lincoln impressed upon Hooker the obvious truth that his main objective should be, not Richmond, but the Confederate army; that it should not be attacked in its entrenchments, but by operations on its communications be drawn into an engagement outside of them.

Having arranged his plan on this theory and received the President's approval of the enterprise, Hooker began his movement on April 27 by strongly threatening Lee's right, a few miles below Fredericksburg, while he threw the bulk of his forces across the Rappahannock on boats and pontoon bridges twenty-seven miles above. On the 30th he had four army corps at Chancellorsville, eleven miles from Fredericksburg, ready to attack the enemy's rear. So far this movement had practically been a surprise to Lee. The plan had been conceived with skill, and up to this point executed with great energy and promptness; and it seems conceded that, had the movement been pushed forward a short distance further, the Confederate army would have been obliged to fight a very disadvantageous battle.

Hooker's qualities as a leader are tersely expressed by one of his critics in the phrase, "as an inferior he planned badly and fought well; as a chief he planned well and fought badly." Arrived at Chancellorsville, the energy of the commander and the momentum of the army suddenly slackened. The delay gave Lee time to bring up all his forces from Fredericksburg and entrench them in front of the Union advance, as well as to organise a flanking movement under Stonewall Jackson, which found its way round the unguarded Union

right, and by an impetuous attack threw it into violent disorder. Gradually, during the next four days, the Federal aggressive became changed to the defensive, and the battle was lost. Two important personal incidents marked the occasion. On May 3, while Hooker was standing at his head-quarters at Chancellor's house, a column of the portico was struck by a cannon shot and thrown violently against him, the shock rendering him unconscious for half an hour; and, though he soon became capable of giving directions, he seems not to have regained his full powers of reason and will during the remainder of the action. The other incident was a serious loss to the Confederate army and cause. Stonewall Jackson, conducting the flank movement, rode under the excitement of success a hundred yards in front of his lines, where by accident he came under the fire of both Union and Confederate guns, and received wounds from which he died a few days afterwards. On the evening of May 4 Hooker called a council of war, and, although a majority of his commanders wished to remain and fight the campaign to a finish on the south side of the river, he finally decided to withdraw his army.

Hooker's defeat in the battle of Chancellorsville naturally diminished his prestige as a commander, but not nearly so much as the repulse from Fredericksburg had affected that of Burnside. The President and Secretary of War did not lose faith in him; and Hooker's subordinate generals gave as yet no sign of serious discontent. While the army rested and recuperated in its old position, Hooker conceived and suggested several new plans, in which the President neither encouraged nor restrained him, but which the general's own confidence was not sufficiently strong to lead him to attempt.

During this period of expectancy General Lee once more took the initiative, and for the second time began an invasion of Pennsylvania. It was not alone his recent victories in the two important battles of Fredericksburg and Chancellorsville that moved him to this course. Thus far in the several Virginia campaigns the balance of success and advantage had been very decidedly with the Confederate army. It was now at the point of its largest numbers and greatest efficiency. The Southern Confederacy was in the flush of confidence and hope. For nearly a year the North had made little apparent progress towards a final suppression of the rebellion; while dissension was growing in its politics, and its debt was increasing with frightful rapidity. To fill its armies it had been obliged to enact a conscription law, the enforcement of which was meeting opposition, and might create counter-revolution. Under such conditions, the Confederate government urged a military policy of vigorous aggression, to which General Lee and his army responded with more than ordinary goodwill.

About the beginning of June, therefore, the Confederate army began moving northward, leaving a strong rear-guard to occupy the attention

of Hooker. This, however, did not long mystify that general, who reported the enemy's intentions to the President, and asked whether he might not venture to attack the Southern army while thus weakened, or even try a dash at Richmond. Mr Lincoln, however, disapproved both ideas. An attack on the Fredericksburg entrenchments, he reminded Hooker, would necessarily be at a great disadvantage; and he added: "In one word, I would not take any risk of being entangled upon the river like an ox jumped half over a fence, and liable to be torn by dogs, front and rear, without a fair chance to gore one way or kick the other." To the suggestion about Richmond he replied: "If left to me, I would not go south of the Rappahannock upon Lee's moving north of it. If you had Richmond invested to-day, you would not be able to take it in twenty days. . . . I think Lee's army, and not Richmond, is your true objective point."

In the new campaign which General Lee was beginning, Hooker for several weeks manifested all his former skill and energy, and successfully interposed the Union army between Washington and the Confederate forces moving northward along the Blue Ridge. But, like Burnside, he now began to experience a want of harmony in his military councils, the most serious part of which was his own suspicion that Halleck was unfriendly to him. Their disagreement gradually increased, though the President made every effort to reconcile their estrangement. Just when both armies had crossed the Potomac in their northward movement this irritation reached its crisis, and Hooker asked to be relieved from command. While a change of commanders at such a juncture was extremely hazardous, the President realised that discordant directions or a lack of zealous co-operation would be yet more dangerous. Accordingly, he relieved Hooker and appointed Major-General George G. Meade to succeed him.

Meade was a West Point graduate, had won distinction in the Mexican War, and from the grade of Captain of Engineers entered the Civil War as Brigadier-General of Volunteers. His service had been continuous in the Army of the Potomac, and he was at the head of the Fifth Corps when called to the chief command. Though he had been Hooker's chief critic, the latter complimented him in general orders, a courtesy which Meade heartily returned; and the change produced nothing more than a ripple of comment and not an instant's hesitation or derangement in the march.

During the earlier part of Lee's march from Fredericksburg to the Potomac near Harper's Ferry, as well as Hooker's pursuit, the movements of both armies were masked by cavalry; and, in spite of numerous skirmishes, it was not until the enemy's vanguard had crossed the river that a serious invasion of the North became evident. The discovery, of course, created intense alarm in Maryland and Pennsylvania; and President Lincoln immediately issued, as a prudential measure, a

proclamation calling into service for six months 120,000 militia from those and the contiguous States. Lee's advance was somewhat slow after his whole force crossed the Potomac. He pushed two advance detachments well towards the Susquehanna, but kept his main army at and near Chambersburg until, on the night of June 28, the same day on which the change of command had occurred in the Union army, a scout brought information to Lee that his antagonist had reached Frederick and seized the passes of South Mountain. Up to this time Lee had made his preparations to march upon Harrisburg; but now, seeing his communications menaced, he turned his course abruptly to the right and issued orders to concentrate his whole army at Gettysburg, east of the mountains.

Meade, having no certain information of the enemy's plans, ordered a continuation of the northward march which Hooker had begun. Within the next two days he learned the enemy's movements more accurately, and correctly divined that a collision must necessarily soon occur. Having reached Taneytown, he, on July 1, carefully selected a battle-field behind the line of Pipe creek, whither he expected to retire and receive Lee's attack. But on that morning the advance guards of the two armies, moving at right angles to each other, had already met and engaged in conflict at Gettysburg, and that place became the principal battle-field of the war.

Meade had sent Reynolds, his second in command, with three corps forward to Gettysburg to observe the enemy and mask the intended retrograde movement to Pipe creek. Arriving early on the morning of July 1, Reynolds found two brigades of Federal cavalry skirmishing with the enemy's advance two miles west of that town. His advance division was not yet on the ground, but he hurried it up to support the Federal cavalry; and the fight thus begun grew in strength and importance on the arrival of additional forces from both armies. It continued throughout the day with fluctuating results, until heavy Confederate reinforcements, coming by converging roads from the north and north-east as well as from the north-west, and outnumbering the Federals by two to one, drove back the Unionist troops, first into Gettysburg, and then through and southward out of the town to a line of hills called Cemetery Ridge.

Cemetery Ridge is an irregular curved ridge which has aptly been compared with a fish-hook, lying in general direction north and south, with the barb towards the north and east. At its southern extremity is an elevation called Round Top, 400 feet high, and some distance north of it a lower elevation, called Little Round Top. From these the ridge extends northward two miles, to within half a mile of Gettysburg, and curving eastward, terminates abruptly in Culp's Hill. Posted on this ridge, the Union army found itself in a kind of natural fortress, the broken and rocky crest of which the troops immediately strengthened by

improvised entrenchments, in which work they had become very expert during their severe Virginia campaigns.

When Meade, fourteen miles away at Taneytown, received the report of this first day's fighting, he immediately accepted the advice of the generals who witnessed it, and gave his whole army orders to make Gettysburg, instead of Pipe creek, the battle-field. All through the night Unionist reinforcements were arriving behind Cemetery Ridge. The commanding general reached the ground after midnight.

While thus, on the morning of July 2, the Federal army was posted on an irregular semicircle from the Round Tops on its extreme left to Culp's Hill on its extreme right, the army of Lee had also come up and taken position in a wider semicircle in its front. This placed it at the disadvantage of having the greater distances between its wings and its several corps, making the transmission of orders and the movement of detachments in support slower and more difficult. The first day's success, however, had made Lee over-confident. Besides, he did not know that Meade's reinforcements had arrived during the night. He vigorously attacked the Federal position on both right and left. There was stubborn fighting for several hours at different points ; but, though the Confederates nearly gained possession of Little Round Top and actually at night held a lodgment in the exterior entrenchment of Culp's Hill, the result was a general failure of the attack.

The crisis of the battle came on July 3. Both armies had received their last reinforcements. A corps reached Meade on the afternoon of the 2nd after a march of thirty-two miles ; and three brigades of Virginia veterans joined Lee on the morning of the 3rd. Both armies were now in a position which made the final struggle unavoidable. Some fighting occurred very early in the day, in which the Union line regained the ground on the right lost the evening before ; and then ominous stillness fell upon the battle-field till one o'clock. Half a mile west of Cemetery Ridge was the long parallel elevation of Seminary Ridge, from which 130 Confederate guns for two hours belched forth a furious cannonade, answered with equal vigour by 80 Federal guns on Cemetery Ridge. Deeming the culminating struggle near at hand, the Unionist chief of artillery first slackened, then stopped the fire of his batteries to prepare for the coming assault. Half an hour afterwards, there swept across the undulations of the intervening valley in clear view of the opposing armies the attacking lines of 15,000 Confederate veterans, upon whom, as they neared the Unionist entrenchments, was poured the rapid and deadly fire of the Federal field batteries and the rifles of the infantry regiments from behind their natural and extemporised defences. Under this terrible ordeal the assaulting lines wavered, doubled, and broke, part rolling like a spent wave back down the slope in indiscriminate retreat, while the few fragments that rushed across the Union breastworks dropped their battle-flags and bayonets

to remain as prisoners. That single desperate charge ended alike the battle and the campaign of invasion.

The exhaustion and loss in three consecutive days of battle was such that Meade and his council of generals decided to rest on the following day, July 4, to await the intentions of the enemy. Lee, on his part, was only too glad of the respite. During the day he continued to present a bold front, but as darkness fell he began a hasty retreat, and his rear-guard disappeared before daylight of the 5th. His loss amounted to 36,000 killed, wounded, and missing; that of the Federals was 23,000. Meade at once began a pursuit, which proved him to be a cautious rather than a brilliant commander. Heavy rains fell during the next few days, swelling the waters of the Potomac so as to render fording impossible; and a Unionist detachment partly destroyed the pontoon bridge which the enemy had used in his northward march. The Confederate army was again, as it had been a year before, in imminent danger. President Lincoln was intensely anxious that the opportunity should be seized to annihilate it and end the war; and General Halleck's despatches conveyed his wishes in unmistakeable language. "Push forward and fight Lee before he can cross the Potomac," he telegraphed to Meade on the 7th. At the same time he communicated to him a note from the President, that Vicksburg had surrendered to Grant on July 4.

By the 12th Lee had gained a strong position near, but still north of, the Potomac. There he was compelled to wait for the river to fall; and Meade reported that he would attack on the 13th. But at the last moment a council of war decided otherwise; and by the morning of the 14th the Confederate army had found means to cross the river and escape. Retreat and pursuit continued, with occasional engagements, but no decisive battle; and by the end of the month the opposing armies again lay north and south of the Rappahannock in central Virginia. From that time until the wintry weather put an end to military operations, the plans and movements of the opposing generals form an intricate game of strategy, highly interesting to military students, but leading to no important or decisive result.

The dead and wounded of the Unionist army, as well as those abandoned by Lee, were humanely cared for at Gettysburg; and, with a happy inspiration, the governor of Pennsylvania, in co-operation with the governors of all other loyal States whose troops took part in the conflict, caused a portion of the battle-field to be transformed into a national cemetery, in which the fallen soldiers found orderly burial, and which was in due time embellished with monuments to their heroism, as well as by all the skill with which landscape art can enhance the loveliness of nature. It was dedicated to its sacred use on November 19, 1863; and the address which President Lincoln delivered during that imposing ceremonial has become a classic in American

literature. After a finished and erudite oration two hours in length by Edward Everett, one of America's great orators and statesmen, the President rose and said:

"Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great Civil War, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we cannot dedicate — we cannot consecrate — we cannot hallow — this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us — that from these honoured dead we take increased devotion to that cause for which they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth."

Two years of stern warfare, surging to and fro over the field of conflict lying east of the Alleghany Mountains, have thus far been traced, in which were fought the nine or ten serious engagements in the peninsula, and later the pitched battles of Bull Run (the second), Fredericksburg, Chancellorsville, and Gettysburg. At the end of this long and severe struggle the opposing armies again, in the winter of 1863, confronted each other across the Rapidan, in Virginia, relatively not very far south of where they lay in the winter of 1861, at the beginning of the war. Before the reader attempts to form a comparative estimate of the importance and value of the aggregate result, it will be necessary to examine and study the course of the war in the West during the same period.

(3) The war on the Mississippi

When, on October 24, 1861, Frémont was relieved of his command in the West, Major-General David Hunter was temporarily appointed to the post. Two weeks later the President created the new Department of Missouri, to include the States of Missouri, Iowa, Minnesota,

Wisconsin, Illinois, Arkansas, and that portion of Kentucky west of the Cumberland river; the whole to be commanded by Henry W. Halleck, whom the President had appointed a Major-General in the regular army.

Halleck, now forty-seven years old, had graduated as third in a class of thirty-one from West Point Military Academy, and had devoted himself from the first to the more serious studies of his profession. During the Mexican War he gained a brevet captaincy by valuable service on the Pacific coast, and, after the conquest of California, took prominent part in its political organisation and admission to the Union as a State. Resigning his commission in 1854, he was not only successful in civil pursuits relating to law, mining, and railroads, but also became distinguished as a writer on military art and science. General Scott originally called him to Washington to take command in the East; but, at the moment of his arrival, emergencies in the West imperatively required that he should be sent to succeed Frémont.

The instructions sent him by General McClellan contained the intimation that he should concentrate the mass of his troops on or near the Mississippi. This direction taken in connexion with the fact that his Department had been extended across the river into Kentucky, plainly indicated that the "ulterior operations," at which the letter of instructions hinted, were to be a well-prepared movement in force to open the Mississippi river from Cairo to the Gulf. The military problem before him was not only novel and difficult, but on a gigantic scale; and it was hoped that an officer of such acquirements, experience, and judgment would be able to solve it.

From the mouth of the Ohio to the sea, the Mississippi river runs through a great alluvial plain, 500 miles long, and from thirty to fifty miles wide, with serpentine windings giving it a total length of channel of nearly 1100 miles. In this long course the stream has a fall of only 322 feet, making its windings extremely eccentric, while almost its entire length is bordered with a network of side channels, *bayous*, and swamps. The valley is enclosed on each side by ranges of bluffs or hills, also very tortuous and irregular in their course; and as these heights approach the banks of the river at comparatively few points, not many places are capable of being fortified effectively so as to control the navigation of the stream.

During the summer of 1861 considerable attention had naturally been paid by the Confederates to fortifications of this character, for which the old Federal arsenal at Baton Rouge supplied the cannon; and the necessity of speedily closing the upper end of the Mississippi was probably the main cause of the sudden Confederate advance into Kentucky, with a view to seizing and effectively fortifying the heights at Columbus, twenty miles below Cairo. At all events, great energy was expended in this work, and it was not long before Columbus became popularly known as the "Gibraltar of the West."

Halleck found plenty of work on his hands when in November, 1861, he reached St Louis and assumed command. To say nothing of prevailing local maladministration, provincial feuds and guerilla risings were breaking out at many points in different parts of the State with alarming frequency and fierceness. The deposed Secessionist governor, Jackson, lingering in Confederate camps in the south-west corner of Missouri, made a pretence of organising a hostile legislature and State government; and the Confederate Congress at Richmond passed an Act admitting Missouri to the Confederate States. Frémont had committed the political blunder of declaring local military emancipation. Halleck now committed an equal political blunder by issuing his Order No. 3, excluding fugitive slaves from Federal camps on the allegation that they carried military information to the enemy; whereas as a rule the very opposite was true. This order brought upon him the severe censure of the anti-slavery press and sentiment of the whole country, and rendered him for a time extremely unpopular, until, a month later, he practically annulled the order by an explanatory letter.

It was about this time that the perplexities of President Lincoln culminated in the illness of General McClellan; causing him to declare, not long after, that if something were not done soon, the bottom would drop out of the whole affair. With the close of the year 1861, the entire military machine seemed to have come to a standstill. To the casual observer McClellan had nothing to show for his five months of command at Washington. Buell in Kentucky had for sound military reasons neglected the urgent and repeated directions to send a Union column into East Tennessee. Frémont had proved a lamentable military disappointment and political embarrassment; and when on December 31 the President sent a joint telegram to Halleck and Buell, asking the pregnant question whether they were acting in concert, Buell replied, "There is no arrangement between General Halleck and myself"; while Halleck said, "I have never received a word from General Buell; I am not ready to co-operate with him."

The President's telegram also contained a more pertinent inquiry. "When he (Buell) moves on Bowling Green, what hinders its being reinforced from Columbus?" No satisfactory reply came from either general, but the President's questions had the effect of starting a correspondence between them on the subject of a forward movement, in which General McClellan, now somewhat recovered, took part. Neither general, however, evinced any readiness to co-operate or to act singly; and on January 7, 1862, President Lincoln followed up his inquiries with a still more energetic monition. "Please name as early a day as you safely can, on or before which you can be ready to move southward in concert with Major-General Halleck. Delay is ruining us, and it is indispensable for me to have something definite. I send a like despatch to Major-General Halleck."

In the correspondence which both preceded and followed this episode, it had been pointed out by Buell, and was, after examination, accepted and repeated by Halleck, that the true line of operations was neither against Bowling Green nor Columbus, but between these two points, up the Tennessee and Cumberland rivers, which, flowing out of Tennessee northward through Kentucky, emptied themselves into the Ohio river less than fifteen miles apart, at Paducah and Smithland. Still neither general showed any disposition to remove his ambitious gaze from his separate objective. It remained for a subordinate officer to seize the golden opportunity which led to victory and fame.

On the day before President Lincoln's telegram, Halleck had directed General Grant at Cairo to make a reconnaissance and demonstration with land forces and gun-boats, both towards Columbus, the Confederate stronghold on the Mississippi, and the less important rebel defences of Fort Henry and Fort Donelson on the Tennessee and the Cumberland rivers. Grant's resources for carrying out this order were quite as limited and defective as those which caused his superiors so much hesitation and delay; but he accepted his task cheerfully, and performed it promptly; and, from the date of this reconnaissance, the military problem which Buell and Halleck had discussed in theory without coming to agreement, and without any prospect of action for some months to come, was by him taken up with enthusiasm, and rapidly solved in practice.

Ulysses S. Grant, born in 1822, graduated from the military school at West Point in 1843, and won a brevet captaincy for gallant behaviour in two storming assaults during the Mexican War. He resigned in 1854, having reached the grade of full captain. At the President's first call for troops he assisted in drilling a company at his home in Galena, Illinois, and for some weeks performed clerical duty on the governor's staff at Springfield. In a letter to the Adjutant-General of the Army at Washington, he applied for service, stating that he felt himself competent to command a regiment; but receiving no reply, accepted from the governor the command of the 21st Illinois regiment of three-years' volunteers, and, having immediately performed active duty at several points in Missouri, was soon promoted to be Brigadier-General. Since the beginning of September, 1861, he had been in command of the important post at Cairo. It was he who had seized Paducah, and afterward under Frémont's orders led the expedition to attack and break up a Confederate camp at Belmont on the Mississippi, opposite Columbus, an engagement beginning with victory, and ending with something very near defeat, in which Grant barely escaped capture by the enemy.

The joint reconnaissance made by land forces and gun-boats, under command of General Grant and Commodore Foote, between the 9th and the 19th of January, 1862, convinced both these commanders of the practicability of breaking through the Confederate defensive line on the Tennessee river. Grant visited St Louis and laid his views before

Halleck, but was dismissed with scant ceremony. About this time news was received that General Thomas had won a victory at Mill Springs in eastern Kentucky, breaking up Zollicoffer's entrenched camp, and driving his forces back through Cumberland Gap; and after Grant had a second and third time asked permission to attack, Halleck, on January 30, telegraphed to him, "Make your preparations to take and hold Fort Henry." One week later, the joint expedition of Grant and Foote ascended the Tennessee, and on February 6, after an hour's bombardment, Fort Henry surrendered. Grant immediately reported the victory, adding the confident sentence, "I shall take and destroy Fort Donelson on the 8th."

If he could have at once marched his land forces over the intervening twelve miles, he might have made good his prediction, for even after the retreating garrison from Henry reached Donelson, there were only 6000 or 7000 of the enemy in that fort; but it was a much larger and stronger work. River floods delayed his march until the 12th, and when on the 13th he invested the fort, the garrison had been reinforced by about 12,000 Confederates under Generals Pillow, Floyd, and Buckner. The next afternoon, Foote made a gun-boat attack, which was repulsed; and on the morning of the 15th a vigorous sortie by the enemy drove back the right of Grant's line, and for some hours opened a pathway of escape, of which the garrison, however, through some misunderstanding of orders, did not take advantage. Learning what had happened, Grant ordered an immediate assault, by which the entrenchments on the extreme left were carried, and the break on the right closed. That night, in a council of war, the two senior Confederate generals transferred their command to Buckner, the junior, who, on Sunday morning, the 16th, proposed an armistice, to arrange terms of capitulation. "No terms," replied Grant, "except unconditional and immediate surrender can be accepted. I propose to move immediately upon your works." Buckner had no alternative; and on the same day Grant was able to report the capture of Fort Donelson, with two generals, about 15,000 prisoners, 20,000 stand of arms, 48 pieces of artillery, and 17 heavy guns. In recognition of his success the press and people of the Union thereafter interpreted his initials to mean "Unconditional Surrender" Grant.

The fall of Fort Donelson caused the Confederate commanders without delay to abandon Nashville and evacuate Columbus; but disagreement in the views of the Union generals prevented their taking full advantage of the retreat and demoralisation of the enemy. Buell wished to continue his separate campaign, while Halleck boldly asked for supreme command in the West — an advantage which McClellan was unwilling to grant him over his friend and favourite. Unable thus to co-operate, Buell moved forward to Nashville, while Halleck gave preparatory orders for an expedition up the Tennessee. Selfish rivalry,

however, had soon to give way to the march of events. An advance from south-west Missouri in December, led by General Curtis under Halleck's orders, culminated in a Federal victory at Pea Ridge, Arkansas, on March 7; and on March 9 was fought the famous naval battle between the ironclads *Monitor* and *Merrimac* in Hampton Roads, Virginia, ending in the disabling and retreat of the Confederate vessel. Under these new conditions, President Lincoln on March 11 issued his War Order No. 3, relieving McClellan from general command, and charging him with the conduct of the campaign against Richmond; while the same order united the three western Departments as far east as Knoxville, Tennessee, into the Department of the Mississippi, which was placed under the command of Halleck.

Owing to misunderstanding, Grant was for a few days in unmerited disgrace, and came near being put under arrest; but on March 13 he was restored to the command of the Tennessee expedition, for which a concentration of troops had been begun at Pittsburg Landing, on the west bank of the Tennessee. Three days later Halleck telegraphed to Buell, whom he could now command, to move his forces as rapidly as possible to the Tennessee to join Grant. For some days Halleck's despatches were indefinite as to plan. Gradually, however, he indicated his intention to go himself to the Tennessee and take command, and to attack the enemy at the important railroad junction of Corinth, Mississippi, where a large force was reported to be gathering. Little by little the Union camp at Pittsburg Landing was changing its character. At the beginning of March it was intended to be merely a temporary base, from which to operate against the enemy's railroads. By the end of the month it had become an army of five divisions, 33,000 strong, with a sixth division camped a few miles to the north. All the troops were comparatively raw; two divisions had never been under fire. Many regiments however, equally raw, had shown sufficient courage and steadiness at the capture of Fort Donelson; and there was therefore no lack of confidence either in men or officers. But one lesson they had not yet learned — that of prudence and precaution. They knew perfectly well that a large Confederate force, estimated at from 60,000 to 80,000 men, was concentrated at Corinth; but, their thoughts being solely intent on an advance, they made not a single defensive preparation. Sherman afterwards wrote, "At a later period of the war, we could have rendered this position impregnable in one night."

In this fancied security they remained until Sunday morning, April 6, when they suddenly found themselves engaged in a desperate battle. With the hope of crushing this force before Buell could effect his junction with it, 40,000 Confederate troops, under command of General Albert Sidney Johnston, had, during the last two days, marched from Corinth, and now advanced in three lines to the attack. It was not a complete surprise; sharp picket firing had put the Federal camps on the alert,

and their lines were speedily ready to meet the onslaught in a hotly contested fight, lasting throughout the entire day. The ground was very irregular, and concerted movements of large bodies were impossible. On the whole, however, the Confederates steadily gained ground from breakfast to sundown. One entire Federal division was captured; Johnston, the Confederate commander, was killed in the afternoon. When the battle ceased at night, the Federal lines had been driven back two miles, close to the banks of the Tennessee.

A turn had however come in the fortunes of the battle. While the fight was going on, Buell's army at length arrived on the opposite bank; his advance division was ferried across the river, and, with the expiring volleys of the evening, was being deployed in front of the advancing enemy. At dawn of Monday, the 7th, the battle was renewed, and though retreating with stubbornness, the Confederates were slowly driven back from the ground they had gained, and by nightfall their forces were returning in a disordered rout to Corinth. Among the Unionist officers, Brigadier-General Sherman, commanding a division, was especially conspicuous by his gallantry. It was his first fighting since, with the rank of Colonel, he had commanded a brigade in the battle of Bull Run in July of the previous year. The casualties were: on the Union side, 1754 killed, 8408 wounded, and 2885 missing; on the Confederate side, 1728 killed, 8012 wounded, and 959 missing.

Besides the battle of Pittsburg Landing or Shiloh, as it is more commonly called, Halleck had yet another important victory to report. Since the evacuation of Columbus, the Confederates had with great skill and energy erected defences at the next strategical point on the Mississippi river, Island No. 10, which lies opposite the town of New Madrid in Missouri, seventy-five miles below Cairo. At that point the Mississippi river makes a double bend, while swamps and lakes so fill the adjacent country as to leave but little dry land on either side of the river. The island, the Tennessee shore, and the town of New Madrid were strongly fortified, and occupied by considerable garrisons, numbering about 3000 at the first, and 5000 at the last place. Towards the end of February, 1862, General John Pope, acting under orders from Halleck, organised an expedition, and, with an army of 20,000 men, appeared before New Madrid early in March. Investing the town, he secured a lodgment for batteries nine miles below, which closed the river at that point, causing the Confederates to evacuate New Madrid on March 13. There still remained the problem of dislodging them from Island No. 10, but this was happily accomplished by two novel military devices. On April 4, Commander Henry Walke courageously ran the gun-boat *Carondolet* past the Confederate batteries at night during a thunderstorm — a feat which was imitated by the gun-boat *Pittsburgh* on the following night, and many times afterwards elsewhere by other armed vessels, during the war. The river being very high, and the surrounding

country flooded, Pope's engineers succeeded also in cutting a channel through a stretch of timbered land to a neighbouring *bayou*, by means of which his transports were able to pass to where the two gun-boats lay below the island. Seeing that he now had command of the river, and could move his troops at will, the Confederates surrendered Island No. 10; and the supporting force of about 6500 men, with three general officers, laid down their arms on the morning of April 8, the day following the battle of Pittsburg Landing.

Pope made immediate arrangements to proceed with his forces down the Mississippi and attack Fort Pillow, but was called away in another direction. Carrying out his former intention, Halleck left his head-quarters at St Louis and proceeded to Pittsburg Landing to take personal charge of the further campaign in Tennessee. There being no other troops from which to make up the losses in the recent battles, he ordered Pope to join him with his whole army; and that officer promptly obeyed, his transports reaching Pittsburg Landing on April 22.

The determination of Halleck to take personal command of the united Western armies in the field was highly satisfactory to the Administration; and the Secretary of War telegraphed to him: "I have no instructions to give you. Go ahead, and all success attend you." The hope that his leadership would speedily secure brilliant military results was fully justified by the favourable circumstances which presented themselves to his skill and experience. Five days after the arrival of Pope and his army, the inspiring news was telegraphed to Halleck from Washington, that the fleet under Admiral Farragut had captured New Orleans, and was under orders to push up the Mississippi river immediately to Memphis without waiting for anything.

A campaign of prime importance under conditions of almost certain success thus lay ready to his energy and enterprise. The army under Halleck and the fleet under Farragut had only to join hands, and the great Mississippi river, from Cairo to the sea, would be released from the enemy's control, and nearly one-half the territory of the Confederate States would find its communications effectually severed from the other half. Halleck himself had pointed out the possibility that Pope and his army might capture Memphis. With the three armies under his command no sufficient Confederate force could be concentrated to resist his prompt southward march, which was to turn and compel the evacuation of every fortress of the enemy on the Mississippi above Vicksburg; and even that stronghold would be powerless to resist the combined strength of the army and the fleet.

It turned out unfortunately that Halleck lacked either the mental grasp or the physical energy to seize the great opportunity before him. For some days his orders and despatches indicated commendable vigour and promptness. To prepare for a march on Corinth he organised his forces into three corps, making the army of Grant his right wing, which

he placed under the command of Thomas; that of Buell his centre, and that of Pope his left; while nominally he made Grant second in command under himself. In his despatches he wrote confidently of being on the eve of a great battle, "and at the enemy's throat." But at this point the courage of the strategist gave way to the caution of the engineer. To make their attack at Shiloh, the Confederate army had marched from Corinth, a distance of twenty miles, in a little more than two days. Halleck, going over the same ground in reverse order, spent thirty-seven days digging his way with pick and shovel in a siege-like advance, only to find that Beauregard with his garrison of 50,000 Confederates had evacuated Corinth. It was a pitiful anti-climax, when we remember that the hundred thousand bayonets under Halleck's command could by a prompt march have captured both the works and the garrison.

While the occupation of Corinth on May 30 was but the shell of a victory, it was still a success of considerable importance. The strong fortifications of Forts Pillow and Randolph on the Mississippi were hastily evacuated by the enemy; and the Unionist flotilla took possession of their deserted works on June 5. On the next day the combined flotilla of five Unionist gun-boats and six steam rams, which the talented engineer Colonel Charles Ellet, under the authority of the Secretary of War, had extemporised from strong river craft, made an attack upon eight Confederate gun-boats ranged in two lines abreast the city of Memphis, and in a fierce contest of twenty minutes, annihilated the enemy's fleet, only one of their gun-boats escaping. The damage to the Union flotilla was soon repaired; but Commander Ellet was wounded, and died two weeks later. That afternoon the Union flag floated over the city of Memphis.

Tardy as had been Halleck's advance on Corinth, there still remained to him the chance of extending his campaign to a most brilliant conclusion. While Halleck was yet on his way to Corinth, Farragut had ascended the Mississippi with the Union fleet, received the surrender of all the fortifications below Vicksburg, and arrived before that city on May 20. The Confederates placed such reliance on the fortifications of the upper Mississippi, that very little had been done to render Vicksburg secure. Serious work on its defences was not begun until May 12. The six batteries completed before Farragut's arrival were strong, not because of their number or armament, but because the guns of the fleet could not be elevated to bear on them, posted as they were on bluffs at the water's edge, two hundred feet high. As it was clear that a purely naval attack would have no chance of success, and military co-operation could not be obtained, the fleet withdrew, after vainly summoning the garrison of Vicksburg to surrender.

Returning to New Orleans about June 1, Farragut received orders conveying the great desire of the Administration to have the river completely opened; and he again steamed up to Vicksburg, bringing

with him Porter's mortar flotilla, and a land force of 3000 men. On the morning of June 28 Farragut's ships, with the aid of a continued bombardment, ran past the Vicksburg batteries, and on July 1 they were joined, north of the city, by the Federal gun-boat and ram flotillas. Farragut now sent a direct appeal to Halleck for help, as he estimated that at this time a force of from 12,000 to 15,000 men would have sufficed to take the works. Day by day, however, the fortifications were growing more formidable; and on the 14th Halleck gave the decisive answer that he could render no aid against Vicksburg. By this time the river was falling so rapidly that Farragut could not remain longer; and, under orders received from the Navy Department on July 20, he again ran past the Vicksburg batteries, and returned to New Orleans.

Meanwhile new conditions had arisen which brought about important changes in the Western army. The impending failure of McClellan's campaign against Richmond caused the President on June 26 to order General Pope to Washington to form and command the Army of Virginia; and when, shortly afterwards, McClellan's campaign ended in a retreat to Harrison's Landing, his immediate usefulness was so evidently at an end as to necessitate more courageous as well as more comprehensive military supervision of affairs in the East. To this end the President, on July 11, appointed Halleck to command the whole land forces of the United States as General-in-Chief, with head-quarters at Washington. Halleck had committed a great blunder in quitting his Western head-quarters at St Louis in order to assume personal command in the field; the President's new appointment transferred him to duty in every way better suited to his temperament and qualifications.

The inference to be drawn from Halleck's orders and despatches after he occupied Corinth, is that, first, he meant to send Buell and his army eastward to seize and hold Chattanooga, and thereby relieve, succour, and defend the loyal population of eastern Tennessee — a measure which President Lincoln had been strongly urging for nearly a year; secondly, to keep the bulk of his forces in western Tennessee and northern Alabama in order to restore loyalty and repair railroads; and thirdly, in the late autumn and winter, when danger from yellow fever was past, to march southward and capture Mobile. But, whatever might in his own mind have been the merits of such a combined plan, it was totally disarranged by the transfer of himself and General Pope to Washington; while, owing to his own faulty dispositions and orders, its practical execution by his subordinate, General Buell, proved to be, during the remaining half of the year, a mere scattering of troops, a waste of time and labour, affording the enemy the possible chance — which fortunately they did not seize — of recovering the ground they had lost.

During the whole of Halleck's campaign, from Shiloh to Corinth, Grant, though nominally second in command, remained a mere figure-head, since his chief issued orders directly to, and received reports directly from,

the other generals. This status became so irksome to him that he asked to be relieved, but he only received permission to change his headquarters to Memphis. When therefore Halleck went to Washington, Grant remained in command of the district of western Tennessee; but, as Buell with his army had previously been ordered to march eastward towards Chattanooga, the forces left under Grant's command at Corinth and other points were so tied up in guarding railroads and performing garrison duty, as to leave no surplus for active campaigning. Practically Grant was placed on the defensive; and the two considerable battles which occurred in his district during the autumn, that of Iuka on September 19, and that of Corinth on October 4, were merely defensive engagements in which the Confederates were handsomely repulsed.

(4) The fall of Vicksburg

It was not until the beginning of November, 1862, that Grant set on foot the initiatory movements which gradually assumed the character of a formidable campaign against Vicksburg, ending in the capture of that stronghold. It can hardly be called one continuous campaign, but was rather a succession of experimental movements, having in view from the first the ultimate object, but changing from one line to another as insurmountable obstacles successively presented themselves, which compelled an abandonment of the old, and a resort to new efforts and expedients.

At Vicksburg, the Mississippi river in its general course from the north-west strikes the line of bluffs, having a general trend from the north-east, that form the eastern limit of the wide, almost level alluvial plain through which it runs. The river is so tortuous that in its immediate approach to the hills, it runs for a distance of nearly five miles directly to the north-east, almost parallel to the trend of the bluffs; then turning abruptly, it doubles completely upon its course, and runs to the south-west, again parallel to the bluffs, leaving a tongue of land a mile wide and three or four miles long, extending in a north-easterly direction past the city. The Mississippi thus washes the very foot of the hills on which Vicksburg stands; and the city batteries, 200 feet high above the water, command both the approach and departure of vessels, whether they go up or down the stream.

A direct attack upon the front of the city either by cannonade or storming assault is therefore practically impossible; and, for twenty miles below, the nearness of the stream to the hills presents the same difficulties. Similar conditions prevail also for twenty miles above, where the same line of hills, continuing to the north-east, is washed or approached by the Yazoo river; while innumerable affluents and *bayous* intersect the alluvial level between it and the Mississippi. It must

also be remembered that these difficulties of approach were rendered doubly formidable by the heavy rains prevalent during the winter of 1862–3, which in the ensuing spring months created floods and overflow in all directions, and left but limited spaces of dry land in the river bottoms upon which an army could land or camp or move.

It is doubtful whether Grant had in his mind, at first, any distinct plan for the capture of Vicksburg. Early in December, 1862, he organised an expedition under the command of General Sherman, which, starting from Memphis on transports, made a permanent camp at Milliken's Bend on the Mississippi, twenty miles above Vicksburg. Moving thence up the Yazoo river, and across the low swampy lands between its banks and the line of hills, he delivered an assault on the works at Chickasaw Bayou, on December 29, in order by surprise to gain a footing five miles to the north and rear of the city. The effort was however unsuccessful; and the expedition returned to Milliken's Bend. Had this attempt succeeded, Grant's intention was to move southward from Corinth and to endeavour to form a junction with Sherman.

Not only Sherman's failure but other causes also induced Grant, in the month of January, 1863, to proceed to Vicksburg and take command of the expedition in person. With the co-operation of Admiral Porter, who now commanded a river squadron of seventy vessels, eleven of which were ironclads, armed with 304 guns, and manned by more than 5000 men, four different experiments were successively tried.

Some years before, in a quarrel over a question of boundary, the State of Louisiana had begun the execution of a project to leave the city of Vicksburg inland, by cutting a canal across the tongue of land in its front, and changing the channel of the Mississippi. During the preceding summer, when Farragut was endeavouring to capture Vicksburg, General Williams, who accompanied him with 3000 men, took up the uncompleted project of the State of Louisiana, with the object of creating a channel up which Farragut might move his fleet, out of range of the Vicksburg batteries. Now that Grant had come with considerable reinforcements, 4000 men were for the third time set to work to finish this military "cut-off." It seems to be agreed that the project was doomed to failure, because of the faulty situation of the canal. But the abandonment of the attempt was hastened by a sudden rise of the river, which broke into and overflowed not only the canal but a considerable portion of the tongue of land.

The second undertaking was an attempt made by Porter with ironclads and gun-boats to force a passage up the Yazoo river, in search of a landing place and base from which to move against the rear of Vicksburg. This scheme having turned out to be impracticable, Porter's flotilla next went 200 miles up the Mississippi to a point where, through a succession of bayous, named Yazoo Pass and the Cold Water river, he might enter the upper Yazoo and descend that difficult stream

to a landing in the neighbourhood of Vicksburg. This attempt also failed, after having, like the earlier scheme, placed his flotilla in extreme danger. Equally unsuccessful was a fourth project to cut a canal westward into Lake Providence, seventy miles above Vicksburg, and find a practicable waterway through the two hundred miles of bayous and rivers into Red river, and thus reach the Mississippi far below Vicksburg in order to establish communication and co-operation with Banks and Farragut, who were engaged in an effort to capture Port Hudson.

Several of these efforts went on simultaneously; but the months of January, February, and March, 1863, passed away, notwithstanding all this labour, without having brought the problem any nearer to solution. In the early days of April Grant entered upon the prosecution of a new plan, which was in direct violation of every recognised principle of military science, and was strenuously opposed by all his ablest subordinate generals. Under his direction, Porter prepared a number of his ironclads and several transports to run past the Vicksburg batteries; and on April 16 nine vessels made the perilous passage with comparatively little damage, except the loss of one transport and several coal-barges, while on the 22nd six more steamers, with provision barges in tow, repeated the undertaking with equal success. Meanwhile Grant marched his army, by a very circuitous route of seventy miles, down the western bank of the Mississippi.

Placing a landing force of 10,000 upon transports, Grant next directed Porter with his gun-boats to silence the batteries at Grand Gulf. These, however, proved to be nearly as strong as those of Vicksburg; and the landing force was again put ashore. Once more running his transports past the Grand Gulf batteries at night, the General proceeded still further down the river to Bruinsburg, from which place a dry road across the two miles of river-bottom enabled the army, consisting of about 33,000 men, to reach high land on the east side of the Mississippi on April 30. A detachment pushed out twelve miles to Port Gibson the same night, and next morning occupied that place after a considerable battle. On the following day, May 2, the Confederates evacuated Grand Gulf, of which Porter with his fleet took possession on the 3rd.

General Grant tells us, in his memoirs, that his first intention was to secure Grand Gulf as a base of supplies, and to co-operate with Banks in the reduction of Port Hudson. But news received from that general led him to alter this plan. He now resolved to move independently, cut loose from his base, destroy the rebel force in rear of Vicksburg, and invest or capture the city.

Ten days after the battle of Port Gibson, Sherman's corps arrived from Milliken's Bend; and Grant started with a mobile force of 35,000 men and 100 light guns, with two days' rations in haversacks, and an improvised waggon-train to carry ammunition. On May 12 his vanguard, under McPherson, struck a Confederate detachment of 5000 men,

two miles from Raymond. After an engagement of two or three hours, the enemy broke and retreated through that town, and McPherson at once occupied the place. That same evening Grant ordered an immediate advance upon Jackson, the capital of Mississippi, fifty miles east of Vicksburg, where the Confederate General Johnston had collected about 11,000 men. Grant had kept his several corps within such easy supporting distance that he had an overwhelming force against Johnston. The latter, after a defensive battle on May 14, which showed his relative weakness, retreated; and Grant's victorious army occupied Jackson.

Grant left one corps in Jackson only long enough to destroy the converging railroads for several miles in all directions, as well as to burn the bridges, factories, arsenals, and military stores, completely ruining the place as a railroad centre and military depot. His other two corps he immediately moved westward in the direction of Vicksburg. On the 16th, with these, he encountered the bulk of the Confederate forces, 20,000 strong, under General Pemberton, at Champion's Hill, about half-way between Jackson and Vicksburg. The Confederates were strongly posted on a ridge sixty or seventy feet high. At this point occurred the severest battle of the campaign, in which the Confederates were defeated, losing 24 guns, 2195 prisoners, and perhaps an equal number of killed and wounded. The Federal loss was a total of 2441. The Confederates were now forced to retreat towards Vicksburg, with the Federal army in swift pursuit. On the 17th Pemberton's beaten army made its last stand at the bridge over the Big Black river, from which however it was soon driven; and it found no rest until it had shut itself up within the fortifications of Vicksburg.

Grant had thus carried out one of the most brilliant campaigns in military annals. In twenty days he had marched 180 miles with only five days' rations, fought five battles, in each of which he brought his practically united force against the enemy's separate detachments, capturing 88 guns, over 6000 prisoners, and finally shutting up the opposing army in a fortified city, from which it could not escape. All this he did in the enemy's country, in bad weather, by swift marching and skilful strategy, living for the greater part on the resources of the country through which he was moving.

After investing Vicksburg, Grant's first care was to establish a line of supplies from Milliken's Bend, by way of the Yazoo river, to the bluffs north-east of the city, where Sherman had made his first assault in the previous December. Grant had hard fighting on the 19th, before he could bring his lines close to the city fortifications, and on the 22nd he attempted by a general assault in force to gain entrance, but without success. His army was not yet altogether out of danger, for the Confederate General Johnston was still near Jackson, only fifty miles away, with a force nearly as large as his own. But reinforcements soon reached Grant; and by June 14 his numbers were increased to 71,000

men, with whom he enclosed Vicksburg by a line fifteen miles long and a second series of entrenchments facing eastward to guard against possible attack by Johnston's army, while Porter with his river squadron prevented Pemberton from escaping by the Mississippi. Then followed the usual incidents of a six weeks' siege; slowly approaching trenches, parallels, and mines, with increasing bombardment from the outside; slowly gathering famine and the burrowing in caves for safety inside the doomed city. The busy and anxious correspondence of the Confederate government with its commanders could not long delay the crisis; its desperate appeals to the generalship of Johnston were answered by his sombre reply that he considered it impossible to save Vicksburg. On July 4, 1863, the day following Lee's crushing defeat at Gettysburg, Pemberton surrendered his army of 31,600 men, with 172 cannon and 60,000 muskets, while Grant's army marched into the captured citadel and supplied rations to the famished Confederate soldiers and citizens.

Simultaneously with the fall of Vicksburg, another minor but striking success crowned the Unionist arms on the banks of the Mississippi. Helena, Arkansas, on the western side of the stream, between two and three hundred miles north, was the only point on that side capable of being strongly fortified, and it was held by a Unionist garrison of about 4000 under command of General B. M. Prentiss. A Confederate column of about 10,000 men under General Holmes had been collected to recapture it, and, at the very hour when Pemberton's troops began stacking their arms, was making a desperate assault against the Helena fortifications. The assailants were however driven back in a hopeless repulse, and abandoned the perilous undertaking.

Grant, in anticipation of Pemberton's surrender, had already made preparations to send an expedition against General Johnston at Jackson; and General Sherman, with three army corps, started eastward on this duty, even while Grant's remaining troops were entering the earthworks they had captured. By the morning of July 9 Sherman's column was before the field works in front of Jackson. General Johnston held out only long enough to ascertain that Sherman's intention was not a reckless assault, but a siege, which the Confederate army had not sufficient supplies to withstand. Johnston therefore abandoned Jackson on the 12th, and retreated eastward, giving Sherman for the second time possession of the capital of Mississippi.

(5) Chickamauga and Chattanooga

The surrender of Vicksburg had opened 200 additional miles of Mississippi river navigation to the patrol of the Union gun-boats; but the Confederates were still in possession of Port Hudson, an almost equally effective barrier, with a garrison of 7000, and works nearly as

strong as those of Vicksburg. General Banks, with a force of 30,000 men and with the help of Farragut's fleet, had invested Port Hudson about a week after Grant closed round Vicksburg, and had since then made two separate assaults without success. But when on July 7, 1863, Banks received news of Grant's success at Vicksburg, and the salutes in the Federal trenches notified the beleaguered Confederate garrison that their central stronghold on the Mississippi had fallen, the Confederate commander, having been supplied with an official copy of Grant's letter, deemed further resistance useless. On the morning of July 9 the garrison of Port Hudson laid down its arms, surrendering 6340 men 51 guns, 5000 small arms, and considerable stores of ammunition in exchange for which it was glad to receive rations, being already at starvation point. This capture completed the opening of the Mississippi river, which, though its banks were often troubled by guerilla and cavalry raids, did not thereafter undergo any blockade or any serious interruption of commercial transport. The military result of the campaign was to cut off from the central Confederate States the supply of Western recruits to their armies, and the important reserves of provisions upon which they were so dependent. President Lincoln expressed the nation's deep feeling of relief, when in a famous letter dated August 26, 1863, he wrote : "The signs look better. The Father of Waters again goes unvexed to the sea."

General Grant had exercised independent command about one year, when the Mississippi was opened by the surrender of Vicksburg and Port Hudson. Of that period, the last half of 1862 was taken up by his defensive operations in western Tennessee, and the first half of 1863 by his aggressive campaigns on the great river. To understand better what followed, it is necessary to go back and narrate the military events which occurred during the same period in other parts of Tennessee and in Kentucky, and formed the preludes to Grant's victory in the West.

On May 30, 1862, within a few weeks after the fall of Corinth, Mississippi, the three armies gathered for its reduction were separated. Halleck was called to Washington to become General-in-Chief, Pope to command the Army of Virginia, Grant remained to take local command, while Buell, with the Army of the Ohio, started on a campaign towards East Tennessee, with directions to follow and repair the railroad from Corinth to Chattanooga. This involved not merely the protection of the road, but also the control of most of the extensive territory of middle Tennessee, in which Secessionist sentiment strongly predominated. The many detachments needed for this were peculiarly exposed to attack and capture by local guerilla risings, and sudden cavalry raids on the part of the enemy.

Meanwhile the Confederate General Braxton Bragg, who succeeded Beauregard after the latter's retreat from Corinth, was also marching his command to Chattanooga, south of the Tennessee river. Having no

enemy to oppose his progress, he reached that city and occupied it at the end of July, while Buell was still advancing slowly through middle Tennessee. By the end of August, 1862, Bragg had gathered an army of 30,000 men, crossed the Tennessee, and after several feints, started on a rapid march northward to invade Kentucky — a movement dictated largely by the expectation, to which the Confederates clung with vain tenacity, that that State, as soon as it could be relieved from Federal domination, would unite its fortunes with the South. Buell, though on the alert, did not immediately ascertain his antagonist's intention, but perceived the full import of the movement when he also learned that the enemy had thrown a column of 12,000 through Cumberland Gap, into eastern Kentucky, threatening Cincinnati.

Of the two armies, Bragg's was a rather shorter distance from Louisville ; and during September there ensued an exciting race between the two armies to reach that city. It is conceded that the Confederates would have arrived first, but for the fact that Bragg had to effect a junction with Kirby Smith, who had come through Cumberland Gap; and that further delay was caused by an absurd ceremonial at Frankfort, the capital of Kentucky, on October 4, when a provisional Confederate governor for that State was inaugurated. His official honours were of short duration. The reading of his inaugural address was interrupted by the booming of cannon and the rush of his hearers to take their places in the ranks. Four days later, on October 8, 1862, a battle occurred between the armies of Buell and Bragg at Perryville, which, though indecisive, had the effect of inducing the Confederate general to retreat. Buell's slow eastward march, and the retirement to Louisville to which Bragg had driven him, were not wholly redeemed by his indecisive success at Perryville, especially as he acknowledged in a letter to Halleck that he could not bring his men to equal the enemy in marching and fighting. On October 24, 1862, Buell was somewhat unjustly superseded by General Rosecrans, who had a few weeks before gained under Grant the defensive victory at Corinth.

Rosecrans, however, proved during the next three months as unable to perform impossibilities as Buell had been. Bragg, posted at Murfreesborough, held Rosecrans in check at Nashville, where the latter was occupied in gathering supplies and accumulating cavalry to stop the continual and daring raids of the Confederate riders. Without supplies and with his communications threatened, he could not move. This discouraging state of affairs lasted until Christmas, 1862, when suddenly Rosecrans, seeing his opportunity, marched against Bragg, and joined battle with him at Murfreesborough on the night of December 30. An almost identical plan had been adopted by both commanders. Each army was to stand fast with its own right, and throw the whole weight of its left on the antagonist's right. A fierce battle raged during the whole of December 31, and at nightfall Bragg telegraphed

to Richmond that he had driven the Unionist forces from every position except their extreme left. During the whole of January 1, 1863, however, Bragg was greatly surprised that the army of Rosecrans did not retreat; and still more so to find, on the morning of the 2nd, that it had taken up a threatening position. To dislodge it from this, he renewed the attack, but his effort ended in a disastrous repulse, and in the secret withdrawal of the Confederate army before midnight of the 3rd. The forces engaged were nearly equal, about 43,000 on each side; the Federal loss was 13,249; the Confederate 10,266. The superior steadiness and condition of the Federal army and the courage and faith of its commander changed defeat to a victory, which left the Unionist armies in full possession of Kentucky and the greater part of Tennessee.

The battle of Murfreesborough was decisive only to the extent that Rosecrans remained in undisturbed possession of the field, while the Confederate forces retreated to a strong position at Shelbyville, ten miles south. In this relative attitude they remained nearly six months, confronting each other, and gathering supplies. Excepting several considerable cavalry raids and counter-raids, no important military change occurred in middle Tennessee until Grant completed his investment of Vicksburg. Then Rosecrans moved again, and in a skilful nine days' campaign, ending the day before the Vicksburg surrender, pushed Bragg and his army into a retreat southward, across both the Cumberland Mountains and the Tennessee river. The Confederates took up a strong position at Chattanooga on the south bank of the Tennessee, the strategical centre and military key to the heart of Georgia and the South; but their retirement gave the Unionist armies complete possession of middle Tennessee, and restored the military position to what it had been about one year earlier, at the time when Bragg started on his march of invasion towards Louisville.

During the whole of Rosecrans' six months' delay at Murfreesborough, the Administration was almost constantly urging him forward, and its eagerness for results became more pronounced at this culmination of recent successes. When therefore Rosecrans again halted in his march for six weeks longer, the patience of the President was well-nigh exhausted, and Halleck sent the general a peremptory order to advance. Meanwhile a Unionist force of 24,000 had been organised in eastern Kentucky under General Burnside, which, starting on August 16, and advancing without serious opposition, reached Knoxville in eastern Tennessee on September 4. It was received with demonstrations of heartfelt joy and gratitude by the loyal Unionists who were in a great majority in that region, and who had suffered severe persecution through the military domination of the Confederate forces during the previous portion of the war.

About the middle of August, 1863, Rosecrans was ready to move

again, and began a movement southward round the left flank of Bragg's army, with the object of seizing the railroad communications in rear of the Confederates. The plan promised great results, but its execution was extremely difficult and hazardous, as it involved crossing not only the Cumberland Mountains, but the Tennessee river, and two mountain ranges beyond. Nevertheless, Rosecrans executed it with such skill and celerity, that by September 9 Bragg had been forced to evacuate Chattanooga; while the extreme left of Rosecrans' army was in possession of that city, and the mountain valleys several miles to the east of the Tennessee river. The strategical success had been so easily won, and was of such supreme importance, that it made Rosecrans over-confident, especially as in connexion with it he also received news of Burnside's safe arrival at Knoxville. Assuming Bragg to be in full retreat, he somewhat heedlessly scattered his detachments in pursuit.

Bragg, for his part, had no intention to give up Chattanooga permanently; and the Confederate government, alarmed at its recent serious defeats at Gettysburg and Vicksburg, and Bragg's continual retirement, was beseeching that general to turn on his pursuer, and straining every nerve to send him assistance. Bragg, having received strong reinforcements, not only promptly checked pursuit, but assumed the aggressive; and on September 19 and 20, 1863, was fought the battle of Chickamauga, one of the greatest and most fiercely contested battles of the war.

Bragg's first effort was to take advantage of Rosecrans' headlong pursuit, and crush his separated detachments in detail; but this was thwarted by the failure or tardiness of his own commanders. Before battle was joined, each army was well concentrated on opposite sides of Chickamauga creek, eight miles south-east of Chattanooga, Bragg with 71,500 men, Rosecrans with 57,000. It would seem that the conflict was finally brought on by accident rather than design, because, operating in a mountainous and wooded region, the movements of each side were so well concealed that only actual collision betrayed the proximity of brigades and divisions. It thus resolved itself into a moving conflict, Bragg making continual efforts to outflank and crush his antagonist's left, while Rosecrans shifted his divisions to meet and thwart the attack.

In the course of these movements on the second day, through a mistake or misconstruction of orders, a gap of two brigades was left open in Rosecrans' line. The enemy discovered this gap and poured through it with an energy before which the whole Unionist right and part of the centre crumbled away, and dispersed in flight towards Chattanooga. Rosecrans himself retired in the conviction that the day was hopelessly lost, and on reaching Chattanooga telegraphed the disaster to Washington. The day was however not yet completely lost. In the shifting movement, Major-General Thomas, commanding the centre, had been sent to the extreme left, where he found a strong position on the head of a ridge

around which he posted in a flattened semicircle his own command of seven divisions, and gathered about it all the reserves which had not yet been under fire, with fragments of brigades and regiments whose organisation remained undestroyed by the defeat on the right. With these, forming a total of about one-half of Rosecrans' effectives, he held his position against the whole of Bragg's force, flushed with victory, which repeated its assaults throughout the remainder of the day, but without shaking the lines or the courage of the "Rock of Chickamauga," as Thomas was rechristened by his devoted troops. It is the concurrent testimony of both Unionist and Confederate officers that better fighting was never done on any battle-field during the war.

When night came on the 20th, the Confederates had been unable to drive Thomas from his position; but that general, seeing that with his unequal forces he could not hold this advanced and exposed point, began a retreat which he was able to continue without serious molestation. By the morning of the 22nd, the Unionist army was within the protecting fortifications of Chattanooga, which Bragg had not destroyed when he evacuated the place, so confident was he of returning. The Federal army lost 16,179 men, the Confederate 17,804.

The army of Rosecrans, though beaten and greatly weakened, was by no means destroyed; on the other hand, it was still in danger. The victorious army of Bragg, now in greatly superior numbers, was still before it, and immediately established a close blockade. It was not long before the Confederates gained possession of heights which enabled them to cut off Rosecrans' supplies, both by the railroad from Nashville and by boats on the Tennessee river, leaving the Federals dependent upon waggon transport by a road sixty miles long and crossing almost impassable mountains. The fifteen days' provisions and forage were soon exhausted; horses and mules perished by thousands; and famine was slowly creeping on the beleaguered garrison. A week before the battle, orders from Washington had directed all available reinforcements from Hurlbut at Memphis and Sherman at Vicksburg to be sent to Rosecrans, while, from the first, Burnside had been enjoined to assist him from the direction of Knoxville; but none of these reinforcements had arrived in time. On the third day after the battle 18,000 men under General Hooker were detached from Meade's army in Virginia and transported by rail in eight days to the vicinity of Chattanooga, but owing to lack of supplies they could not immediately proceed to that place.

By October 19 the situation had become so critical that Rosecrans was relieved and Thomas placed in command to succeed him, while General Grant was placed in control of the three departments in the West, and ordered personally to Chattanooga, where he arrived on October 22. Up to this time, things appeared to be going from bad to worse under the management of Rosecrans; but his chief

engineer, General W. F. Smith, had devised a plan which, approved by Grant on his arrival, and by his direction executed under Smith's command, once more gave the Federal army control of a much shorter line of supply by the railroad and Tennessee river, and, when the reinforcements under Hooker and Sherman came up, at once changed the relative attitude of the confronting armies, placing the Confederates on the defensive. Only a short time before they had been so confident of success, that Longstreet with his corps of 20,000 was detached to drive Burnside out of eastern Tennessee — an order which he attempted to execute by a short siege and assault on Knoxville, ending in his repulse and retreat. It was while his absence diminished Bragg's forces that General Grant personally supervised the preparations and directed the movements which resulted in the battle of Chattanooga on November 23–25, 1863. That attack drove Bragg from the mountain heights which he had so elaborately fortified, into precipitate and disastrous retreat, and permanently opened the gateway by which Sherman in the following summer made his famous march through the heart of Georgia to the sea.

The battle-fields of Chickamauga and Chattanooga lie in great contiguous mountain valleys, parallel with each other, and almost parallel with the general course of the Tennessee river. First on the east lies Chickamauga valley, watered by Chickamauga creek, in which, eight miles south-east of Chattanooga, was fought the battle of Chickamauga, on September 19 and 20. This valley is bounded on the west by Missionary Ridge, fifteen miles long, a straight, narrow mountain ridge 500 feet in height, which divides Chickamauga valley from Chattanooga valley, watered by Chattanooga creek and the Tennessee river, the creek flowing northward, the river flowing southward, until they meet at the northern end of Lookout Mountain, which is from 1000 to 1500 feet in height. From this point the river makes a sharp turn, and flows for several miles nearly directly north. Lookout Mountain is three miles south of Chattanooga city, and again divides Chattanooga valley from Lookout valley, watered by Lookout creek. All the creeks mentioned empty into the Tennessee. Chattanooga city lies on the east bank of the Tennessee river, where a great westerly bend of the stream broadens Chattanooga valley to a width of two miles between the city and Missionary Ridge.

Grant's forces, numbering 100,000 effectives, were made up from three different armies; the Army of the Cumberland, formerly commanded by Rosecrans, now by Thomas; the Army of the Tennessee, under command of Sherman; and two corps from the Army of the Potomac under command of Hooker, lately brought with unusual celerity by rail from Virginia. Hooker's command lay in Lookout valley, west of Lookout creek, Thomas' command in the city of Chattanooga, and Sherman's command, with ready pontoon trains, well concealed in the hills west of the Tennessee river.

All Grant's plans and preparations being ready, Sherman with four divisions, on the night of the 23rd and morning of the 24th of November, crossed the Tennessee three miles north of the city, and attacked the northern end of Missionary Ridge, with the intention of sweeping southward along its top, to take the enemy's entrenchments in flank; but, having proceeded about a mile, he found his progress barred by a deep depression in the ridge, which he had hitherto supposed to be continuous. Here he entrenched and held his position against heavy attacks. The next day, the 25th, he attempted to continue southward, but found the enemy heavily massed against him, and made but little progress.

Simultaneously with Sherman's attack, on the previous day (the 24th) Hooker from Lookout valley had crossed Lookout creek, and attacked the enemy on the northern slope of Lookout Mountain, driving them from their works eastward round the northern point and into Chattanooga valley, so that by night he held a firm line of three-quarters of a mile from the northern point of Lookout, to the Tennessee river. On the next morning, the 25th, Hooker sent several parties to scale the extreme heights of Lookout, which they gained with but little opposition, and at daylight planted the stars and stripes on the northern summit, greeted by the cheers of the whole army. Following up this advantage, Hooker continued his triumphant advance around Lookout, across Chattanooga creek, and through Missionary Ridge at Rossville Gap, the extreme left of Bragg's position on the ridge, four or five miles south of Sherman's position at the enemy's right.

The topography of the place was such that General Grant, with Thomas and other principal officers, on the top of Orchard Knob, midway between Chattanooga and Missionary Ridge, had the whole great panorama in view, from Sherman's movement on the north to Lookout and Hooker's advance on the south. Seeing the progress that these generals had made against both flanks of the enemy, Grant now, at about three o'clock on the afternoon of the 25th, ordered Thomas to make a direct advance, by capturing the rifle pits at the enemy's centre, along the west base of Missionary Ridge. At the agreed signal of six guns, two divisions of Thomas' Army of the Cumberland sprang from their trenches, and formed a line a mile in length with such order that the enemy from the opposing height thought they were about to execute some military parade. To them, the idea of an effort to storm a line of thirty guns on the summit of an abruptly steep and rocky face of a ridge, 500 feet high, with two advance lines of rifle pits below, seemed preposterous; as indeed it was, even in the mind of Grant himself.

But there now happened one of those extraordinary battle incidents which it baffles cool judgment to explain. As if animated by a single impulse, this magnificent line swept over the intervening space, and drove the enemy pell-mell out of the first line of Confederate entrenchments,

unmindful of the fire of musketry and cannon on the sides and crests of the hill. This accomplished, they halted for a moment, as their orders commanded them to go no further. Grant had only intended this much, as a demonstration in aid of Sherman's and Hooker's advance on the enemy's flanks. But the men had waited all day in a fever of excitement, and were still under the withering fire of the enemy's cannon and musketry, and by a common impulse regiment after regiment started up the hill, not only without orders but in spite of them, to the momentary dismay of the assembled commanders on Orchard Knob. First, in something of a line, then broken into parties and groups by the rocks and fallen timber that obstructed the steep ascent, the men worked their way steadily and stubbornly upward over the second line of rifle pits, and still pressed on, driving the retreating enemy before them, until, at the end of about an hour after the signal guns, they broke almost simultaneously over the crest of the ridge in six different places, capturing the batteries that up to nearly the last moment had been firing on them — one of the most splendid exhibitions of veteran courage and *moral* that military history has recorded. The final success was so sudden, that Bragg, Breckinridge, and several other Confederate generals barely escaped capture. It must not be supposed that this feat of arms was performed without heavy loss. The regiments that made the assault were twice decimated; they left twenty per cent. of their number in killed and wounded at the foot and on the rugged sides of Missionary Ridge. Even this extraordinary effort, however, did not completely exhaust their energies. Several of the brigades swept down the opposite side of the mountain, and across Chickamauga valley, capturing another ridge on which were planted eight of the enemy's guns.

The defeat of Bragg was so complete and overwhelming that the next morning, November 26, found his whole army in rapid and demoralised retreat. The Unionist forces pursued about twenty miles, making many additional captures, raising their aggregate to over 6000 prisoners, 40 pieces of artillery, and 7000 small arms. The Union loss in killed and wounded was 5824, that of the Confederates 6687. Grant took immediate measures to send an expedition under Sherman to the relief of Burnside who at last accounts was held in close siege by Longstreet, at Knoxville, 84 miles distant; but, before Sherman reached Knoxville, Longstreet had been effectually repulsed. He rejoined Bragg's retreating army; whereupon active military operations in Georgia ceased for the winter.

CHAPTER XVI

THE CIVIL WAR: III

(1) The Wilderness

It will be remembered that after the battle of Gettysburg and the retreat of Lee from Pennsylvania, the indecisive manœuvres of the autumn left the Federal and Confederate armies once more facing each other in their winter quarters north and south of the Rappahannock during the winter of 1863–4. In the West, the Tennessee campaign closed with the battles of Chickamauga and Chattanooga, leaving the Unionist forces in winter quarters at the latter city, and the Confederate army posted in the mountain passes about Dalton, twenty miles to the south, ready to oppose their advance into Georgia. From the winter of 1863–4 onward down to the spring months of 1865, military operations gradually became centred in two great and final campaigns of the Union armies, one in the East and the other in the West.

Early in March, 1864, Grant was called to Washington to be invested with the grade of Lieutenant-General, revived for him by act of Congress, and to assume command of all the armies of the United States, with special direction of the campaign against Richmond. He placed Sherman in command of the Western armies, and concerted with that general the simple military policy that there should be two leading campaigns; one to be conducted by himself in the East, against Lee and Richmond, the other by Sherman in the West against Bragg's successor, Johnston, with Atlanta for its first objective. The two Confederate armies were 800 miles apart, and should either give way, it was to be followed without halt or delay to battle or surrender, to prevent its junction with the other. Sherman was given full discretion as to the plan and details of his own movements in the West; Meade was left in full command of the Army of the Potomac to execute the personal orders of Grant. A minor campaign under Banks, from New Orleans against Mobile, was also provisionally planned, though Grant thought this an unwise diversion of strength which was more needed in other directions. The underlying idea of Grant's strategy was the continuous and

concurrent employment of the maximum of force against the Confederacy — continual battle, continual slaughter till the will of his adversary was broken. He saw clearly that no manœuvring and no capture of positions could end the war. His great objective was the destruction of the armed forces of his enemy.

Until he called him to Washington, President Lincoln had never seen Grant; but their interviews during the few weeks of preparation established a cordial esteem and confidence between them. On April 30 the President wrote to him as follows:

"Not expecting to see you again before the spring campaign opens, I wish to express in this way my entire satisfaction with what you have done up to this time, so far as I understand it. The particulars of your plan I neither know nor seek to know. You are vigilant and self-reliant; and, pleased with this, I wish not to obtrude any constraints, or restraints upon you. . . . If there is anything wanting which is within my power to give, do not fail to let me know it. And now, with a brave army and a just cause, may God sustain you."

To this Grant made a generous reply on the following day: "Your very kind letter of yesterday is just received. The confidence you express for the future, and satisfaction with the past, in my military administration is acknowledged with pride. It will be my earnest endeavour that you and the country shall not be disappointed. From my first entrance into the volunteer service of the country to the present day, I have never had cause of complaint — have never expressed or implied a complaint against the Administration or the Secretary of War, for throwing any embarrassment in the way of my vigorously prosecuting what appeared to me my duty. Indeed, since the promotion which placed me in command of all the armies, and in view of the great responsibility and importance of success, I have been astonished at the readiness with which everything asked for has been yielded, without even an explanation being asked. Should my success be less than I desire and expect, the least I can say is, the fault is not with you."

In the East, the opposing armies lay confronting each other respectively north and south of the Rapidan near Fredericksburg, only a short distance south of where the first battle of Bull Run had been fought nearly three years before. Three years of campaigning had not only changed their *personnel*, but transformed them from raw recruits to seasoned veterans, tried in courage, and hardened to endurance. In gain and loss of battle-fields, in yielding and recovery of territory, in balance of defeat and victory, they remained practically equal. The failure of McClellan's advance against Richmond was more than balanced by the failure of Lee's two invasions of Maryland and Pennsylvania. Malvern Hill, Antietam, and Gettysburg balanced Second Bull Run, Fredericksburg, and Chancellorsville. Serious as had been the fighting

of the past, it was about to be eclipsed by the stubbornness and sacrifice of the final struggle.

On April 30, 1864, Grant's army numbered a total of 122,146, organised and equipped to a degree of perfection rarely equalled anywhere. Lee's Army of Northern Virginia, by careful estimate, numbered 61,953. Grant however estimates that according to the Federal method of including details, extra duty men and absentees, it should have been rated at 80,000. Grant's numerical superiority was counterbalanced by the advantage which Lee drew from a defensive campaign along interior lines, over ground the topography of which he had learned by heart, and amid a population where every white man was his ally and scout and Grant's enemy. But his greatest strength lay in the belief of the Confederate army in its own invincibility. It did not stop to ask whether this belief was well-founded; it knew that for three years it had effectually blocked the way to Richmond. In the new ordeal, however, this defensive power was neutralised by what it had not yet encountered, the imperturbable will and unyielding determination of a single man, who now commanded the Union armies.

Grant's main conception of his new task was as simple as the combined policy agreed upon with Sherman. His intention was to move directly against Lee's army, and if practicable crush it before it could reach Richmond. If he could not succeed in this, then he would follow it thither, enclose it in the city, and capture it by a siege. If it escaped, he would follow it wherever it went, and destroy it before it could effect a junction with Johnston. Accordingly, nearly a month before the movement began, he instructed Meade: "Lee's army will be your objective point. Wherever Lee goes, there will you go also." At the same date, he had already decided upon two contributory movements. Butler with 30,000 men was to ascend the James river from Fortress Monroe, seize and fortify City Point, and endeavour to gain Petersburg, and destroy the surrounding railroads. Sigel in the Shenandoah valley, and Crook in the valley of the Kanawha, were to operate against the lines of communication north-west of Richmond. Butler's movement failed in everything except that he was able to seize and hold City Point, subsequently of great use to Grant. The movements from the Shenandoah and the Kanawha also had no immediate result, but underwent many fluctuations between success and failure in the long months that followed.

On May 4, 1864, Grant, moving by the left past Lee's right, began crossing the Rapidan; and by the evening of the 5th his whole army, including a train of 4000 waggons, was safely over the stream. But already on the morning of that day, Lee's forces endeavoured to strike his moving columns in flank before they were yet through the difficult region known as the Wilderness — a region of interspersed forest, thicket, and swamp, narrow and neglected roads, and only occasional

farms or openings. Here, where artillery and cavalry were useless, manœuvring and intelligent direction practically impossible, where opposing lines often could not see each other until almost actually in contact, there raged for two days, May 5 and 6, an irregular and scattered battle along a line of five miles, with but little apparent result beyond mutual destruction.

In this first fight were developed two peculiarities which became characteristic of the campaign, and shaped its final result. Both sides resorted more industriously than ever to the use of extemporised field entrenchments, with which, the moment arms were stacked, they covered every change of line, bivouac, or camp against surprise or attack. The second peculiarity, displayed for the first time by the Army of the Potomac, was that a single battle did not necessarily end the campaign. Though in the two days there had been hard fighting, heavy losses, and considerable captures of prisoners on both sides, the Army of the Potomac held the field ; and the enemy did not reappear on the 7th. Moreover when, on the evening of that day, the troops and trains were ordered southward, and after dark Generals Grant and Meade and their head-quarters' staffs were seen riding in advance with their horses' heads turned towards Richmond, the soldiers knew what it meant, and greeted their chief with such an ovation of cheers, salutations, and bonfires that their enthusiasm had to be checked lest the unusual noise should give notice to the enemy that the Army of the Potomac had begun a new flank movement, not in retreat as formerly, but forward, past Lee's army to Spottsylvania Court House.

Grant made for Spottsylvania Court House in order to push forward toward Richmond. Lee made for the same place with the idea of getting between Grant and Fredericksburg, assuming that Grant was falling back. It was only a march of eight or ten miles, but the Confederates arrived first, and were thus enabled to post themselves on highly advantageous ground, in an irregular semicircle, having a radius of about a mile and a half, from which there jutted out towards the north a triangular salient nearly a mile long, and more than half a mile wide. The country was both more open and more hilly than in the Wilderness, and by rapid entrenchments Lee's army turned the position during the next two days into a great fortified camp of extraordinary strength. Grant's army drew itself round this position, with the feeling on his part that it was an obstacle in his path which he must remove. Accordingly he took the aggressive, and on May 10 hurled a heavy assault against Lee's centre. Fortune varied at different points, but the net result amounted to a repulse. The defeat, however, shook neither Grant's faith nor his purpose. While his report to Washington next morning could only state that, after six days of very hard fighting and heavy losses, "the result up to this time is much in our favour," his despatch contained the resolute and characteristic phrase, "I purpose to fight it out on this line, if it

takes all summer." He immediately ordered another assault, and throughout the long, rainy, lowering, dismal May 12, from dawn till dark, there raged at short intervals a terrible and bloody, often hand to hand, struggle for the possession of the salient, known thereafter to fame as the "Bloody Angle." At night the Federals had captured 3000 prisoners and 20 guns and held the salient; only however to find at its base new and more formidable entrenchments that still barred their way to the rear of Lee's lines.

Unable to drive the Confederates from their stronghold, Grant gave orders to continue his southward movement by the left; but a week of rain followed, with a further detention to await reinforcements, while reconnoitring and skirmishing varied the slow and laborious movements of both armies. Though Grant continued to advance, Lee, having the shorter lines, was always a little before him in seizing advantageous positions for defence, and blocking his pathway. The vigilance of Lee never failed, the confidence and aggressiveness of Grant never wavered or halted, while the pluck and endurance of both armies in marching, entrenching, and fighting, responded to every thought and command of the leaders. It was war in its sternest form. The estimated Union losses in the Wilderness and at Spottsylvania were over 37,000, and those of the Confederates are supposed to have been nearly as great.

In saying that cavalry could not be used in the Wilderness, it must not be inferred that that arm of the service was superfluous. The phrase was only intended to mean that cavalry could not be employed in the manner usual in European battles. The campaign of Grant against Lee, as has been seen, was from first to last in the nature of a moving siege, assault upon and defence behind extemporised breastworks. The use of cavalry in these operations, in addition to mere reconnoitring, was twofold; first, in short and sudden advance expeditions to clear the way and hold approaches for a march, to discharge which duty, in a country of thickets and woods, the troopers often temporarily dismounted, entrenched, and fought as infantry; secondly, to make long incursions and raids into the enemy's country to destroy military stores and property, break up railroads, burn bridges, and obstruct lines of communication. Grant had a cavalry force of 10,000 under the command of Sheridan. It had preceded the march of the army, and fought three engagements in the Wilderness and one at Spottsylvania. From that point the whole corps was despatched on May 8 on a raid toward Richmond, working great havoc on Confederate railroads, trains, and depôts, fighting three other engagements, penetrating the outer line of the defences of Richmond, recapturing 400 Union prisoners, and joining Butler's army on the James river on May 14, whence, after a three days' rest, it again started and successfully rejoined Grant's army on May 25. The Confederate cavalry was almost equal to the Federal in numbers, and fully its match in efficiency and daring. It followed

Sheridan with energy and fought him with courage. The casualties were severe and probably equal — the Confederates suffering the heaviest loss, however, in their commander, General Stuart, who was mortally wounded six miles from Richmond on the 10th.

Lee, having entrenched himself behind the North Anna on May 20, completely checkmated Grant's endeavour to dislodge him when the Federals crossed on the 23rd. Grant, however, skilfully drew back to the north side, and again moving by the left marched down thirty-two miles to Hanovertown, where his advance-guard crossed the Pamunkey on May 27. Thus far, the mere fighting and losses of the two armies gave no indications of decisive results, but other considerations pointed to the approaching end. Since Grant had double the numbers of his antagonist, Lee's loss was relatively much the more damaging. Besides, Lee had been compelled constantly to retreat. But the greatest difference lay in the augury which Grant drew from the spirit of the opposing forces. In his report of May 26 to Washington, announcing his intention to cross the Pamunkey at Hanovertown, he wrote: "Lee's army is really whipped. The prisoners we now take show it, and the action of his army shows it unmistakeably. A battle with them outside of entrenchments cannot be had. Our men feel that they have gained the *moral* over the enemy, and attack with confidence. I may be mistaken, but I feel that our success over Lee's army is already ensured."

This success was not destined to come as soon as Grant evidently hoped. With almost continual fighting from the 27th, when he began crossing the Pamunkey, he pushed his army forward to Cold Harbour, which Sheridan's cavalry had seized on the 31st, and successfully held until reinforcements came up. Heavy assaults on June 1 and 2 carried some of the advanced Confederate entrenchments, and encouraged Grant to believe that he could break Lee's army by another frontal attack. It turned out to be an ill-advised and costly experiment. The assault was made at half past four o'clock on the morning of June 3, and though the heroic soldiers gained the first rifle pits, in a single hour 4000 veterans lay dead or wounded under the direct and cross fire of the well-prepared Confederate works, raising the total casualties for the first twelve days of June to near 10,000. Grant's official report frankly acknowledges the serious nature of the reverse. "It was the only general attack," he writes, "made from the Rapidan to the James which did not inflict upon the enemy losses to compensate for our own losses."

From this point dates an entire change in Grant's plan of campaign. "I now find," he wrote to Washington on June 5, "after more than thirty days of trial, that the enemy deems it of the first importance to run no risks with the armies they now have. They act purely on the defensive, behind breastworks, or feebly on the offensive immediately in front of them, and where, in case of repulse, they can instantly retire behind them. Without a greater sacrifice of human life than I am

willing to make, all cannot be accomplished that I had designed outside of the city (Richmond)." He still kept up a threatening front toward Lee's army, pushing reconnaissances, throwing up breastworks, and making preparations to cross the Chickahominy and White Oak Swamp, all to create the belief that he intended to advance by the left toward Richmond. These were, however, only the operations preliminary to transporting his army safely over the fifty miles of distance that lay between Cold Harbour and City Point, near Butler's camp on the James river. Difficult as was the nature of the ground, the design was successfully accomplished during the following week. On the evening of June 12, the army began withdrawing from Cold Harbour. Between the afternoon and midnight of the 14th, a bridge 3580 feet long was laid across the James river, and by midnight of the 16th the whole army was on the south side of the stream, in immediate junction with that of Butler, the two forming a total aggregate of about 150,000, while Lee with his army, numbering about 70,000, withdrew into the defences of Richmond. Before the Unionist troops had yet begun to cross the river, Grant was already with General Butler at Bermuda Hundred, directing the movements which were to begin the combined siege of Petersburg and Richmond.

(2) The capture of Atlanta

In the West the main military operation during the year 1864 was preceded by two minor campaigns, the Red river expedition under General Banks, and Sherman's expedition against Meridian, Mississippi. The former proved not only a complete failure, but a considerable disaster, which however, apart from the mere loss of men and material, was devoid of any serious consequences to the Unionist cause. The latter succeeded in accomplishing its main object, the destruction of about one hundred miles of the several railroads which centre at Meridian, thus making the whole railroad system of the State of Mississippi practically useless to the Confederates. This left but a single great north and south railroad system in operation between the Alleghany Mountains and the seaboard ; and along that route, from Chattanooga to Savannah, followed the principal and decisive Western campaign of 1864.

Pursuant to the plan agreed upon between Grant and Sherman, the latter had by the beginning of May assembled at Chattanooga the three principal Western armies, that of the Cumberland under Thomas, that of the Tennessee under McPherson, that of the Ohio under Schofield, embracing altogether nearly 100,000 men with 254 guns. They were the flower of the Western soldiers, seasoned men commanded by officers of sound judgment and tried courage. Appreciating the magnitude of his task, Sherman had prepared them for their perilous march with

every precaution of equipment and supply, and rigidly reduced to a minimum their baggage and impedimenta. His memoirs explain his purpose to convert all parts of his army "into a mobile machine willing and able to start at a minute's notice, and to subsist on the scantiest food."

To reach the city of Atlanta, his first objective, he had both to protect the single line of railroad behind him that brought his daily supply of food from Nashville to Chattanooga, and to seize the line before him through the forty-mile belt of the Alleghany Mountains, in which, immediately in front of him at Dalton, lay the Confederate army, now commanded by General Johnston, 50,000 strong. The march was promptly begun on May 5, the day following that on which Grant started from the Wilderness toward Richmond. Sherman had the advantage of double numbers; Johnston the advantage of a defensive campaign, in which however he could only execute a highly skilful retreat from impregnable mountain defences, prepared with great foresight and carried out by the almost unlimited supply of slave labour with which military authority and enthusiastic local sentiment furnished him. Sherman's progress, therefore, was a succession of strong frontal demonstrations combined with flank movements to threaten the Confederate rear. Under this continued pressure Johnston retreated from Dalton to Resaca, from Resaca to Marietta, from Marietta to the Chattahoochee river, and thence to the defences of Atlanta. Continued reconnaissances and heavy skirmishes attended the Confederate retirement and Unionist advance, and frequently grew into serious battles. Sherman says that during the month of May, across nearly 100 miles of as difficult country as was ever fought over by civilised armies, the fighting was continuous, almost daily, among trees and bushes, on ground where one could rarely see a hundred yards ahead. Once only he tried the costly experiment of a direct attack. On June 27 occurred the assault on Kenesaw Mountain, north of Marietta, in which Sherman's attempt to break through the Confederate front was repulsed with a loss of 2500.

While Johnston's defensive retreat excited the professional admiration of his antagonist, it gave rise to deep disappointment and severe displeasure on the part of the Confederate government. On July 18, as Sherman was approaching Atlanta, the command of the Confederate army was taken from Johnston and given to one of his corps-commanders, J. B. Hood, who had severely criticised his superior's strategy. Resolved on an immediate change of policy, Hood at once took the offensive, and by vigorous attacks on the 20th and the 22nd, attempted to break through Sherman's lines. The effort however resulted in a complete repulse; and the new Confederate commander suffered another serious disaster in a sortie planned and ordered by him on July 28. For several weeks more the besieged and besieging armies watched and felt each other with unrelaxing vigilance. On August 12 Sherman

and his army were cheered by the inspiriting news of the capture of Mobile Bay by the Union fleet under Farragut. Toward the end of the month the general, becoming impatient, once more moved by the right flank and seized the Macon railroad at Jonesborough, twenty-five miles directly south of Atlanta, defeating a Confederate detachment sent by Hood to oppose the movement. This success rendered the Confederate position so insecure that Sherman began to hear rumours of their retreat; and on September 3 he was able to telegraph to Washington, "Atlanta is ours, and fairly won." Hood had evacuated the city on the 1st and taken a new position at Lovejoy's Station, south of Jonesborough. The four months of mingled siege and battle had caused a Federal loss of 31,000, the Confederate loss being estimated at 35,000.

The capture of Atlanta by Sherman was a severe disaster to the Confederates. The city was one of their great military depôts, full of foundries and workshops for the manufacture and repair of arms and material of war; and its fall was a convincing proof to the people of Georgia that the strength of the Secessionist movement was on the wane. By the opening of the Mississippi in the previous year, the immense resources at first drawn from the great region west of that stream, in cattle, provisions, and recruits were cut off. This new Unionist line, which was being drawn through the centre of Georgia, threatened to sever from Richmond the supplies and military help of the two States of Alabama and Mississippi. What was more serious still, this severance might completely alienate the already shaken public sentiment of that State from its adherence to the Confederate government and cause. The conduct of Governor Brown in criticising and disobeying the orders of his superiors was approaching open contumacy. His official order a few days later withdrew from the Confederate service the Georgia State militia which he had organised for the defence of Atlanta. Several prominent citizens came in to Sherman's camp, and in conversation acknowledged the madness of further resistance, and reported that the Confederate Vice-president, Stephens, entertained similar feelings. Jefferson Davis came on a tour of speech-making into South Carolina and Georgia, in which he severely censured both Governor Brown and General Johnston for their alleged shortcomings in bringing about the defeat of the South. General Sherman sent kindly messages to both Stephens and Brown, but did not succeed in his effort to draw them into a confidential interview. In the North, the fall of Atlanta had a powerful political effect. It ensured to the Republican party a great success in the October elections, and changed the candidature of President Lincoln from apprehensive uncertainty to a magnificent triumph.

(3) The defence of Tennessee

With the view of making Atlanta a strong and purely military post, capable of being defended by a small garrison, Sherman ordered the removal of all its inhabitants, sending them north or south as they chose, and arranging a temporary truce for the purpose. Contracting his lines, and making his fortification impregnable, he remained here a month, collecting supplies for his army, and preparing for the next stage of the campaign, the course of which was for a time undecided. Sherman's doubts were however solved by the Confederates. Jefferson Davis personally visited Hood in his camp toward the end of September ; and it was agreed between them that, in order to relieve the situation in Georgia, Hood should make an aggressive movement into Tennessee. For a month or more the two armies played a somewhat blind game, the Confederates endeavouring to attack and destroy, the Federals to defend and reconstruct the railroad and support their garrisons at various points between Nashville and Atlanta. Eventually Sherman formed the conclusion that, instead of losing a thousand men a month in merely defending the road and gaining no further result, the wiser course would be to divide his army, to send back part of it for the defence of Tennessee, to abandon the whole line of railroad from Chattanooga to Atlanta, and, taking the offensive, to march with the remainder to the sea, and "make the interior of Georgia feel the weight of war." He sent a number of tentative suggestions of this kind to Washington, but not until November 2 did he receive from General Grant the distinct permission to go on as he proposed.

It is agreed that, after Grant and Sherman, the ablest commander who had won his spurs in the West was George H. Thomas. This officer held important commands in the Army of the Cumberland with signal success, from the first battle at Mill Spring, Kentucky, in January, 1862, to the battle of Chickamauga, where his resolute heroism saved the day ; and he had distinguished himself throughout the stubborn campaign which led to the capture of Atlanta. With full confidence in the courage and sagacity here displayed under his own eyes, Sherman, as soon as Atlanta had been made safe, sent Thomas back to Chattanooga to supervise military operations in Tennessee, instructing him, after his own army had been formed, to collect a force at Nashville, made up partly from his own troops and partly from recruits and reinforcements from the North, in order to meet and defeat the projected Confederate invasion under Hood.

That commander's movement unfolded itself toward the end of September, when he abandoned his position at Lovejoy's Station on the Macon railroad, in order to take up another to the west, on the

Montgomery railroad. For a time he pertinaciously carried on detached operations against the stations and garrisons between Atlanta and Chattanooga ; and it required constant watchfulness on the part of Sherman to fend them off. But, finding after a month of experiment that he could not permanently break Sherman's communications, Hood moved to Guntersville on the Tennessee river, and, still proceeding westward, on October 31 reached Tuscumbia, situate on that stream. Here, in conference with General Beauregard he matured his design ; and Beauregard, who had been given superior command over both Hood and Taylor in the adjoining Department, ordered him to assume the offensive. Hood's force at this time had been increased to about 35,000, and he had in addition the co-operation of 10,000 cavalry under Forrest, then in northern Alabama. General Thomas was now in Nashville awaiting reinforcements, but had an advanced post of two army corps at Pulaski under Schofield. Putting his army in motion on November 21, Hood endeavoured by a swift march to reach Columbia, Tennessee, and cut off the retreat of this detachment. Though very near gaining his object, he did not quite succeed ; and, as he still pushed northward, a severe fight took place at Spring Hill, which foiled and somewhat checked the Confederate pursuit.

By all accounts General Hood possessed great courage and energy, and an ambition to emulate the flanking exploits of Stonewall Jackson ; but the critics equally agree that serious defects of judgment rendered this ambition futile. Hood's reverse at Spring Hill only sharpened his appetite for a victory, which was, indeed, all but within his reach. He once more pushed on the pursuit, addressing to his subordinate commanders not only lively entreaties, but also injudicious reproaches for alleged shortcomings at Spring Hill. In the mood of mingled discontent and anger induced by this fault-finding they ordered a furious attack, at four o'clock on the afternoon of November 30, upon Schofield's army, which had barely arrived and entrenched itself at the village of Franklin on the Harpeth river. The assault came so suddenly that the first rush of the Confederates found an opening of about a thousand yards in the Federal line ; and the struggle on this side to close it, and on the Confederate side to break through it at all cost, brought on a hand-to-hand conflict that proved one of the most sanguinary of the war. The intensity and ardour of combat at this point communicated itself to other parts of the field, and excited General Hood to order attack after attack, prolonging the battle until nine o'clock at night, with occasional volleys even for an hour after. Instead of his hoped-for victory, Hood suffered a crushing defeat. Six of his generals were killed, six wounded, and one captured, while his total losses reached 6252, of whom only 700 were prisoners.

General Thomas at Nashville, now ready to meet Hood's invasion, was informed by telegraph of the result at Franklin, and promptly ordered Schofield to retire on Nashville — a movement which was effected

after midnight of the battle. General Hood's abnormal confidence was not shaken even by his terrible loss in the battle of Franklin. Again ordering a pursuit, he advanced on Nashville, and on December 2 formed an entrenched line of battle before that city. His later explanations indicate that he did not intend an attack, but only wished to present a bold defensive front, collect supplies, and await reinforcements, under the delusion then current among Confederate generals that Tennessee was Southern in sentiment, and that, once liberated from the yoke of the oppressor, it would eagerly rush to his support with recruits and rations. Hood had a total force of about 44,000 men, and trusted they could not be overwhelmed. On the contrary he believed that a defensive victory would give him control of the State, or even open an easy entrance into Kentucky.

It was, however, with a feeling of perfect security that General Thomas allowed his antagonist to approach. He had by this time accumulated a total Federal force of about 55,000 ; and by good fortune the last of his expected reinforcements and nearly all retiring detachments had joined him at Nashville a day or two before Hood's arrival. The Administration at Washington, and General Grant near Richmond, knowing that Sherman had started on his march to the sea, were watching the Tennessee campaign with intense anxiety. Grant, seeing the disadvantage in which Hood had placed himself, sent impatient orders to Thomas to attack him, and went even so far as to send Logan with contingent and discretionary orders to supersede him, if he did not act. A week passed away while Thomas was deliberately completing his preparations, and then a storm of rain and sleet, which covered the miry roads with a thin coat of ice, caused another six days' delay.

On the morning of December 15, when a warm rain had melted the ice, but without waiting for the roads to dry, the Federal army advanced to the attack, its first movements being masked by a heavy fog. Though the ground was hilly and broken and the roads still heavy and difficult from the recent storm, the whole plan of battle seems to have been executed with unusual regularity and success, so that by nightfall at the close of the first day the entire Confederate line had been driven back a distance of two miles, and had lost 16 guns and 1200 prisoners. Roused to eager enthusiasm by this initial success, the Federal officers and soldiers resumed the battle on the next day, December 16, under the same well-planned orders, and with the same steady courage. Though driven back on the first day, Hood seems to have maintained hope and confidence on the second, until in the afternoon, in the language of the commander of a division on the Federal side, "the whole Confederate left was crushed in like an eggshell" ; and in Hood's own words, his line "broke at all points," and he "beheld for the first and only time a Confederate army abandon the field in confusion." The full result of the two days' battle was the capture of 4500 prisoners, including

four generals, with 53 guns, and the disastrous rout of the Confederate army, which, pursued to the Tennessee river in its flight, soon after disappeared as an organised body. The Federal losses were about 3000, of whom less than 400 were killed. The judgment of Sherman, in dividing his army and trusting the defence of Tennessee to Thomas, was handsomely vindicated; and the President and General Grant were greatly relieved of anxiety and encouraged in hope about the march to the sea.

(4) The march to the sea

Before Hood's advance had suffered its first reverses, Sherman was already on his second march. As soon as Atlanta fell, his despatches began strongly to recommend the project; and the design grew to conviction in his mind when Hood left him a clear path by abandoning Lovejoy's Station on October 21, 1864, to undertake the northward campaign. Receiving the coveted permission from Grant on November 2, Sherman hurried on his preparations with his usual impetuous energy. The railroad was taxed to its utmost service in carrying back to Chattanooga the sick, wounded, and non-combatants and surplus stores; garrisons were withdrawn, the railroad broken up, bridges burned, mills destroyed, and the dépôts, foundries, shops, and public buildings in Atlanta turned into smouldering ruins. Sixty thousand of his best soldiers, under his best officers, with 65 guns, were welded into as perfect a fighting machine as was ever organised. It was divided into two wings, led respectively by Generals Howard and Slocum. With twenty days' supply of provisions, five days' supply of forage, and 200 rounds of ammunition, forty of which were carried by each soldier, the army started on its march of 300 miles on November 15. The day was fine, men and officers in high spirits, the regiments singing the inspiring melody of "John Brown's Body" with a fervour and confidence that made the "Glory Hallelujah" of the chorus ring out more like a religious anthem than a military march. The orders directed the army to march as nearly as possible in four parallel columns, and to forage liberally on the country, but forbade soldiers to enter the dwellings of the inhabitants or to use abusive or threatening language. To corps-commanders alone was entrusted the power to destroy mills, houses and cotton-gins.

In that latitude the weather was good and comparatively mild. Excellent crops had recently been harvested, and organised foraging parties found no difficulty in keeping up a ten days' supply of meat, corn, sweet potatoes, and miscellaneous provisions. Fifteen miles was an average day's march; forage was abundant, and more horses and mules were collected than could be used or taken along. Wherever an army-corps followed a railroad, the track was systematically destroyed by

piling together and burning the ties, heating the rails red-hot in the middle and twisting them round trees. The advance of the left wing was directed to threaten Augusta, that of the right to threaten Macon, diverging again however to pass between them and unite at Milledgeville, the capital of the State, from which the Confederate State officials and legislature precipitately fled. Two brigades of cavalry under General Kilpatrick, operating as occasion required with either wing, easily kept off the slight demonstrations of the enemy.

The audacity of Sherman's advance at first created great consternation; and the authorities printed proclamations and orders in excited language, exhorting the people to rise *en masse* to "assail the invader in front, flank, and rear by night and by day." But the appeal was vain. No effective force gathered to oppose Sherman's triumphant march. It was not even molested by guerillas. While the troops were sullenly received by the whites, they were everywhere greeted by the negroes with demonstrations of satisfaction and welcome. Often their coming was hailed as a providential deliverance; and it was with difficulty that Sherman could prevent the blacks following in such numbers as seriously to embarrass his march. Moving eastward from Milledgeville on November 24, Sherman crossed the Ogeechee, and on the high land between that and the Savannah river pursued a south-easterly course directly toward the city of Savannah, the outer defences of which he reached on December 10, easily driving before him a Confederate division and some irregular forces, about 10,000 in all. Hardee, an educated and accomplished soldier, held Savannah, a site by nature difficult of approach, well fortified, and defended by a garrison of 15,000. But Sherman promptly stormed Fort McAllister on December 13; this gave him command of Ossabaw Sound, through which he communicated with the Federal fleet, and sent to Washington a despatch that his march had been most agreeable, that he had not lost a waggon on the trip, that he had utterly destroyed over 200 miles of rails, and consumed stores and provisions that were essential to Lee's and Hood's armies. "The army is in splendid order," he added with pardonable pride, "and equal to anything."

The investment and preparations for the capture of Savannah were immediately begun, Admiral Dahlgren, in command of the Federal fleet, heartily co-operating. Hardee's position was soon rendered untenable, and on December 22, 1864, Sherman telegraphed to President Lincoln, "I beg to present you as a Christmas gift the city of Savannah, with one hundred and fifty heavy guns and plenty of ammunition, also about twenty-five thousand bales of cotton."

At Savannah Sherman received a despatch from Grant, written twelve days earlier, in which he was directed to establish and fortify a strong base on the coast, leaving his artillery and cavalry, with enough infantry to hold the place and make local incursions, and to move by sea and join Grant before Richmond, with the remainder of his army. This

plan was distasteful to Sherman ; but, greatly to his delight, a few days later he received a change of orders, or rather of suggestions. Since Grant had heard of Thomas' victory at Nashville, and the success of several Federal cavalry raids, the military problem seemed to be changing ; and he frankly wrote to Sherman on the day of the latter's arrival at Savannah, "I want to get your views about what ought to be done, and what can be done." By that time Sherman's views were "as clear as daylight." He laid before Grant in considerable detail his own plan of a march northward from Savannah by way of Columbia, South Carolina, to Raleigh, North Carolina. "The game is then up with Lee," he confidently added, "unless he comes out of Richmond, avoids you, and fights me, in which case I should reckon on your being on his heels. If you feel confident that you can whip Lee outside of his entrenchments, I feel equally confident that I can handle him in the open country."

Grant promptly accepted Sherman's suggestion, and directed him on December 27, 1864, to make his preparations without delay, to "break up the railroads in South and North Carolina, and join the armies operating against Richmond" as soon as he could. To facilitate this campaign a number of co-operative movements were directed by Grant. The interior of Alabama was threatened, both by operations from the Gulf Coast, and by a powerful cavalry expedition from Thomas' army in Tennessee. The 23rd corps of the Army of the Cumberland, under General Schofield, was brought to the East and sent by sea to the North Carolina coast, with orders to advance on Goldsborough — a movement rendered possible by the fall of Fort Fisher at the mouth of Cape Fear river, which occurred on January 15, 1865. By agreement with Admiral Dahlgren the Federal fleet was held in readiness to establish a new base and afford communication and support if Sherman should desire or be forced to approach the coast during his northward march.

The month of January, 1865, was occupied, partly in preparation, partly by delays due to rains which swelled the rivers and flooded the swamps. On February 1 Sherman started from Savannah on his third march, with an army of 60,000 men, provisions for twenty days, forage for seven, and ample ammunition for a great battle. While he did not anticipate an unobstructed advance, he rightly judged that the severest work of the expedition would be to conquer the natural obstacles in his path. The general course of the rivers was at right angles to the direction he had to follow, and, flowing through a low and sandy country, they were divided into many branches and bordered by broad and difficult swamps. To an ordinary army the route would have been, as the Confederate general officially reported it, impassable. As in the march to the sea, Sherman's army was stripped of all but the barest necessaries ; but these included 2500 waggons, 600 ambulances, a pontoon train with each of the four columns, and 68 guns.

This however was not an ordinary army. It was made up of the

sons of that sturdy race which in two generations had changed the West from a wilderness to civilisation. Many of its soldiers were veterans serving a second term of enlistment, expert axe-men and river-men, who in the campaigns of Vicksburg, Chattanooga, Atlanta, and the march to the sea, had acquired a degree of practical experience, organisation and confidence, that made light of privations and reduced difficulty to commonplace. Compared with the new task, the march to the sea had been a pleasant autumn excursion. Here were swamps to be waded through waist-deep, bridges to be improvised over numberless headwater channels, hundreds of miles of corduroy roads to be laid, railroad tracks to be torn up and destroyed, and a daily and co-ordinate progress of ten or twelve miles to be maintained throughout. Sherman's memoirs dwell with pardonable pride on this midwinter journey of 425 miles in fifty days, in which the army crossed five navigable rivers, occupied three important cities, and ruined the whole railroad system of South Carolina.

Repeating the strategy of his earlier march, Sherman threatened Augusta to the left and Charleston to the right, and passing between them united his army at Columbia, South Carolina, on February 16. The Mayor formally surrendered the place; but the Confederates, before leaving it, had piled a large quantity of cotton into a narrow line in the street, and set it on fire. Loose flakes of cotton, blown by the strong wind, set fire to neighbouring houses. For a while the Federal troops and the citizens laboured hopefully to prevent a spread of the flames; but the wind rose to a gale which continued the greater part of the night; and, spreading beyond control, the conflagration burned out the heart of the city. The charge that this was a deliberate act of vengeance has been distinctly disproved in a careful judicial investigation, by the mixed commission on American and British claims under the Treaty of Washington, as also by the orders of Sherman, and by his leaving a generous supply of provisions to feed the unfortunate sufferers.

When Hardee evacuated Savannah, he had retreated to Charleston; and that city, whose defences had for four years withstood every bombardment, assault and engineering device of a powerful Federal fleet, had now in turn to be given up as a direct result of Sherman's occupation of Columbia. Here again the retreating Confederates burned the cotton warehouses; and a considerable part of Charleston went up in flames as a consequence. Still threatening right and left, Sherman reached Cheraw on March 3, and Fayetteville on March 12. Here he was able to open communication with General Terry, who had advanced from Fort Fisher to Wilmington. Here also he was able to free his army from the encumbrance of about 30,000 negroes who followed his march, sending them to Federal camps on the coast. Up to this time there had been practically no fighting; but Sherman now learned that General Johnston was once more in command of the Confederate forces, and was

collecting an army near Raleigh, North Carolina, made up of the retreating Confederate garrisons, several slender divisions of cavalry which had followed along the left flank of his army, and some scattered fragments of the army of Hood, which Thomas had routed at Nashville. Sherman estimated that they might perhaps number about 40,000, and, knowing his antagonist's ability, advanced towards Goldsborough with greater caution. In reality Johnston had only gathered a force of about 25,000, but with 14,000 of these he courageously attacked the flank of Slocum's wing at Averysborough and Bentonville, on March 16 and 19, bringing on sharp battles in which the Federals lost about 2100 men, and the Confederates about 2900. The Confederates were compelled to retreat; Sherman resumed his march on the 22nd, and on the 23rd rode into Goldsborough, effecting a complete junction with the army of Schofield, which had arrived two days before, thus raising the total Federal force to 90,000 men. The third giant stride of Sherman's army was finished ; the entire Southern system of communications was broken up ; the Confederate arsenal, dépôts, and military factories were in ruins ; four months' supplies, on which Lee's army was dependent, were consumed or destroyed ; and the whole Southern Confederacy proved to be a mere shell, destined in a few weeks to sudden and complete collapse.

(5) The fall of Richmond

Throughout the whole war, the Shenandoah valley, or, as it is also called, the valley of Virginia, exercised, from the nature of its topographical situation, an important influence upon the military campaigns in Virginia. From the southern end of the valley the James river runs by a winding easterly course to Richmond and Hampton Roads ; while the headwaters of the James interlock with those of the Shenandoah river, which, running in a north-easterly direction, falls into the Potomac at Harper's Ferry, and gives the valley its name. The single mountain line of the Blue Ridge affords the valley a continuous eastern wall, and makes it a covered highway leading from the rear of Richmond to the rear of Washington. The valley has a fine turnpike running its entire length ; and the well-kept farms that border it yield abundant harvests. It followed therefore that, because of the protection, the road, and the supplies, every campaign or movement of the contending armies east of the Blue Ridge necessitated some auxiliary or detached operation in the Shenandoah valley.

Accordingly, when Grant set out on his march from the Wilderness to Richmond, he directed that a co-operating force, coming from the Kanawha and Shenandoah valleys, should move against Staunton and Lynchburg. But so early as the middle of May, 1864, Confederate

detachments had met and foiled this movement. A new expedition was thereupon organised, with a larger force, under General Hunter, with directions to destroy, if possible, the railroad between Charlottesville and Lynchburg. Hunter moved actively southward, won an important engagement at Piedmont on June 5, wrought considerable destruction to the railroads and miscellaneous military property, and pushed his advance up to the very fortifications of Lynchburg. But finding that Lee had detached Early with a large force against him, having exhausted his ammunition, and being 200 miles from his base, he was forced to retreat; and he committed the error of withdrawing towards the Ohio river by way of the Kanawha valley. It was about this time when Grant, having driven Lee's main army before him from the Wilderness to Richmond, had reached and crossed the James river, and was beginning his long siege of Petersburg and the Confederate capital.

To relieve the pressure on his own front, Lee now gave permission to Early with 17,000 men to move northward through the Shenandoah valley, which Hunter's westward retreat had left open towards the Potomac, in order to threaten and possibly capture Washington City. Starting from Staunton on June 27, he reached Winchester on July 2. Unable to occupy Harper's Ferry because Unionist troops held Maryland Heights, he crossed the Potomac at Shepardstown and made a short circuit into Pennsylvania and Maryland, levying contributions in money and supplies on several towns through which he passed. Marching swiftly by way of Frederick he drove back Lew Wallace, who had hastened from Baltimore with a force of from 5000 to 6000 men to oppose him at the Monocacy river; and thence he moved rapidly upon Washington. On the morning of July 11 he was before Fort Stevens, immediately north of the Soldiers' Home, with the dome of the Capitol plainly in sight.

It was not until Early had reached Maryland that the serious nature of the raid was understood; and troops were hurriedly despatched from Grant's army at Petersburg to insure the safety of Washington. While Early was carefully reconnoitring these strong defences on the afternoon of July 11, two divisions under command of General Wright landed from steamers at the Potomac wharf and marched up Seventh Street to Fort Stevens and the adjacent works, which had been hastily manned. The help, though coming late, arrived in time to save the Federal capital. The skirmishing which followed on the next day, July 12, was a mere blind to conceal Early's withdrawal, but was sufficiently serious to cause a loss of 280 of the city's defenders. Intense anxiety brought President Lincoln to the parapet of Fort Stevens; and only when a sharpshooter's bullet killed an officer standing within a few feet of him did he yield to those who begged him to retire from so dangerous a position.

Having failed to surprise Washington, Early retreated to the Shenandoah valley, pursued by Wright. During the next two or three weeks, the somewhat confused orders of Grant at Richmond, Halleck at Washington, and Wright in the field, led to little result; but the Confederates made another raid into Pennsylvania, where, in default of a ransom of $500,000, McCausland, under Early's orders, burned the town of Chambersburg. Order came out of chaos when, on August 7, General Sheridan was placed in command of the newly-formed Middle Military Division, an army of between 30,000 and 40,000 men, with instructions to drive the enemy south, and to consume or destroy all the provisions, forage and stock — everything except buildings — in the Shenandoah valley, so that "nothing should be left to invite the enemy to return," and the valley should become "a barren waste."

For a month longer Sheridan was occupied in bringing his detachments together, meeting Early's somewhat eccentric manœuvres, and watching for the opportune moment when Lee, pressed by Grant's operations, should recall part of the valley force to Richmond. The chance came about the middle of the month; and on September 19, 1864, Sheridan, advancing to the attack, fought the battle of Opequon, capturing 2000 prisoners and five guns, and driving Early's army from Winchester to Fisher's Hill. Here on the afternoon of September 22 he achieved a second victory, routing the whole Confederate line, and again capturing 60 guns and 1000 prisoners. Early retreated rapidly to Port Republic, where he met reinforcements coming to his assistance; Sheridan pursued as far as Harrisonburg; and for two weeks the opposing armies thus faced each other. Sheridan employed this interlude to devastate thoroughly the southern end of the Shenandoah valley, reporting that he had consumed or destroyed four herds of stock, 3000 sheep, 70 mills filled with flour and wheat, and over 2000 barns filled with grain and forage, making the whole country from the Blue Ridge to the North Mountain entirely untenable for the enemy.

Finding, as all previous commanders, both Federal and Confederate, had found, that, while the valley offered great advantages for marching and fighting, so long as supplies were abundant, it was nevertheless a most difficult region to hold and defend, Sheridan retired northward during the first week of October, taking position behind Cedar creek, a short distance north of Fisher's Hill and Strasburg. Early, having been reinforced, immediately followed, and again took position at Fisher's Hill. Here he devised an ingenious plan for a secret march past the left flank of the Federal army on the night of October 18. Effecting a complete surprise, and attacking the Federal left and rear at dawn of October 19, the Confederates had the battle nearly their own way until noon, forcing back the Federal lines a distance of four miles. Sheridan had been absent at Washington, and was returning, when, at about nine o'clock, shortly after leaving Winchester, he heard the

cannonade of the battle, and met fugitives and trains in confusion and flight. Galloping forward with an escort of twenty men, his presence and contagious enthusiasm succeeded in arresting the flight, rallying the disorganised regiments and brigades, and turning the tide of battle. Thereupon the retreating Federal army took the aggressive, not only repulsing further attack, but changing the defeat of the forenoon into a brilliant Federal victory. At nightfall it was the Confederate army which in its turn was overwhelmed and beaten, having lost over 1000 prisoners and 24 Confederate guns, together with the 24 Federal guns it had taken in the morning. This victory at Cedar creek, added to the previous destruction of provisions and forage, practically eliminated the Shenandoah valley as a serious factor in the war. Detached Confederate raiding and further devastation by Federal troops went on for a while, but there were no more invasions or important battles in that region.

While Sherman was making his great march from the West through Georgia and the Carolinas towards Virginia, and while Sigel, Hunter, and Sheridan, after many fluctuations between defeat and victory, were gaining control of the Shenandoah valley and rendering it untenable by the enemy's forces, Grant, with the Army of the Potomac, was steadily and patiently pushing forward the siege of Petersburg, twenty-two miles south of Richmond, upon which depended the fate of the Confederate capital and government. During the previous three years of the war two strong circles of fortifications had been built to defend Richmond on the Washington side. Since Grant brought the Army of the Potomac across the James river, the defences of Petersburg had been pushed forward by the Confederates, little by little, until, during the nine months of the siege which followed, the combined fortifications of Richmond and Petersburg stretched for a distance of about forty miles, extending in a circle from five miles north-west of Richmond to seven miles south-west of Petersburg. Grant, having failed to destroy Lee's army by hard marching and desperate fighting, now endeavoured, by cutting off its supplies, to force it either to capitulate or to abandon the two strongholds. Lee's supplies reached him partly from the north-west, but principally from the south and south-west of Richmond. The main task of the Federal army therefore was to seize the three railroads and two plank-roads centring at Petersburg. Grant pursued the policy, which his greatly superior numbers rendered possible, of threatening or attacking with his right wing north of the James, in order to compel Lee to withdraw forces from other points, and, by thus weakening his line, to enable Grant to push his investment westward. As a consequence there was kept up, throughout the remainder of the year, a double system of engineering and fighting, moves and counter-moves, assaults and repulses, both north and south of the James. This work went on somewhat languidly at times. Both armies had been greatly

weakened by the long and bloody struggle from the Wilderness to Cold Harbour, and needed a period of rest. The new recruits, that came to make up the losses, had to be drilled and seasoned; at times operations were delayed by detachments being sent to the Shenandoah valley, or on cavalry raids. The same inflexibility of purpose, however, with which Grant had pursued his march, characterised the siege. Foiled and driven back from time to time, his left wing gradually extended itself, reaching the Jerusalem plank-road on June 21, and the Weldon railroad two months later, which he stubbornly held thereafter against repeated attempts to dislodge him.

A further extension to the point where the Boydton plank-road crosses Hatcher's Run was effected towards the end of October, but Grant's effort to reach the South Side railroad was as yet unavailing. Many noteworthy incidents, such as that of the Petersburg mine, the capture of Fort Harrison, and the capture and recapture of Fort Stedman, occurred during this long siege. While they will always be recalled with intense interest by military students, as illustrations of the high military skill they called forth, and the uncertainties of war they demonstrated, and though as minor occurrences they sometimes assumed serious proportions, their general results remained so evenly balanced in the long account of loss and gain, as to have little effect in either hastening or retarding the final consequences of the gigantic struggle. Far more comprehensive causes than the occasional capture of a few redoubts or a few dozen guns, or the losses of a few thousand combatants in killed, wounded or prisoners, were bringing on the inevitable termination of the great contest. The strength and spirit of the South were gradually sinking under material and moral exhaustion. Sherman's victorious march from Tennessee to North Carolina had completely cut off the waning resources of Georgia and South Carolina, and brought final ruin to their worn-out railroads. The capture of Savannah, Charleston, Fort Fisher, and Wilmington closed the last avenues of help through blockade-runners. The relentless Confederate conscription, which declared all Southern white men between the ages of 17 and 50 liable to military service, and, in the vigorous language of General Butler, robbed both the cradle and the grave, had for about a year practically ceased to furnish any fresh material for the Southern armies. Lee's army was not only in want of every material of war, but actually suffering through lack of clothing, meat, and bread. Confederate credit and money had fallen to so low a value that the soldiers' pay ceased to have any significance; it required a thousand paper dollars to buy a barrel of flour. Confederate taxation had been strained until it became confiscation, imperiously demanding, in addition to other burdens, twenty-five per cent. — one-fourth — of all coin held by individuals or banks in excess of two hundred dollars. The Acts of the Confederate Congress were futile, the dictatorial administration of Jefferson Davis could no longer

replenish the Confederate armies. Every man whom Lee lost by battle, sickness or desertion (and the last became a serious daily drain), weakened his force beyond hope of remedy; while the armies commanded by Grant rose in the spring of 1865 to the highest number they had reached during the war, with practically inexhaustible resources for the future.

The certainty of this impending doom of the cause that they had so valiantly championed and defended became clear to many Confederate leaders during the winter of 1864–5; but pride and constancy, and the despotic rigour of Southern public opinion, long restrained any admission of the belief. Military law and regulations grew in stringency till they became virtual dictatorship; and, when at last the Confederate President proposed and the Confederate Congress authorised the employment of negro soldiers and their emancipation for military service, it was an admission of the fallacy not alone of State Rights, but of slavery as an institution of government. Under that admission the vital spirit of the Southern cause — the preservation and perpetuation of slavery — expired; while the accusations of stirring up servile war and the bans of outlawry officially proclaimed by the Confederate President against commanders of the Federal army, recoiled upon his own head. Secession had been illogical from the first; its own consequences had now rendered it ridiculous.

In this situation of affairs, it occurred to an eminent citizen of Washington, Francis P. Blair, senior, to begin an unofficial negotiation for peace. More than a generation before he had been the trusted political lieutenant of President Jackson. Since that time he had maintained close intimacy and strong influence with Democratic leaders. Though, after the repeal of the Missouri Compromise, he abandoned the Democratic and joined the Republican party, Jefferson Davis had long been and yet remained his warm personal friend. President Lincoln refused to listen to his plans, but gave him a simple permit to pass the military lines; and with this Blair sought and on January 12, 1865, obtained audience with the Confederate President, before whom he laid an interesting but utterly impracticable scheme. The North and South, he proposed, should cease and postpone their conflict, and unite to drive Maximilian and French power out of Mexico. It was, in another form, what Seward proposed to Lincoln on April 1, 1861 — to substitute the Monroe Doctrine for the slavery question; and it was as irrational and visionary now as then.

This wild project of invading Mexico, never authorised or entertained by Lincoln, was used by Jefferson Davis as an excuse for sending a commission, headed by the Confederate Vice-president, "for informal conference upon the issues involved in the existing war, and for the purpose of securing peace to the two countries"; but they found their entrance into the Union lines barred by the instruction of President Lincoln that they could only be received on the condition that they

came "with a view of securing peace to the people of our one common country." The Commissioners finally transcended their instructions and yielded the point; and, under these explicit terms, President Lincoln and Secretary Seward held a four hours' informal conference with them in the cabin of a steamer lying in Hampton Roads, on the morning of February 3, 1865. The discussion was long and earnest, and brought out a great variety of suggestions and propositions; but we have the concurring reports of the Commissioners that, throughout the whole, President Lincoln, with that clearness and logic of which he was a master, adhered politely but inflexibly to the three conditions upon which alone he would consent to temporary armistice or permanent peace — first, the complete restoration of the Union; second, the maintenance of the emancipation proclamation and other government action on slavery; third, no cessation of hostilities short of an end of the war and the disbanding of all forces hostile to the government. On other points he was ready to be liberal in the exercise of any executive authority confided to him by the Constitution.

Blair's visit and the departure of the Commissioners had excited feverish hopes in Richmond. Their return and the official announcement of their failure strongly accentuated the prevailing despondency. The Confederate President made an extraordinarily defiant and bellicose public address, to re-inspirit his partisans; but the leaders never rallied from their discouragement, and Vice-president Stephens gave up hope and went home to Georgia to await the catastrophe and endure his fate.

A serious conference between Lee and Davis had taken place early in March at Richmond, in which the desperate straits of the Confederacy were frankly discussed. Although the Confederate Congress had virtually given Lee a dictatorship by making him General-in-Chief, he had assumed the command, on February 9, in loyal subordination to the civil authority represented by Davis. The details of their consultation never became known. The necessity of abandoning Richmond and forming a junction with Johnston's army to the south and west was squarely looked in the face; and the friends of each claim that he advised, while the other opposed, its immediate execution. As it was easier to suggest than to perform such a task, nothing was done till Grant forced the beginning.

It may have been due to this or some such consultation that General Lee, seizing upon a phrase of a Confederate officer's conversation with General Ord under a flag of truce, wrote a letter on March 2 to General Grant, proposing that the two commanders should meet "with the hope that upon an interchange of views it may be found practicable to submit the subjects of controversy between the belligerents" to a military convention. When the telegram containing this proposal was handed to President Lincoln at Washington, he immediately and without a word took up a pen and wrote this reply to be sent by the Secretary of War:

"The President directs me to say that he wishes you to have no conference with General Lee, unless it be for capitulation of General Lee's army, or on some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meanwhile you are to press to the utmost your military advantages."

On March 20, 1865, General Grant invited President Lincoln to pay him a visit at City Point. The President accepted, and had an agreeable fortnight's sojourn at the General's head-quarters. Lincoln was a fine horseman; and the reviews, the rides, the evenings by the camp-fire, above all the confidence and *moral* of officers and soldiers, which he witnessed, afforded him perhaps the most refreshing recreation he enjoyed during his whole official term. For several weeks Grant had been anxious, with good cause, lest Lee and his army should escape from the toils he was gradually winding about them. On the very day of the President's arrival at City Point, Grant wrote a comprehensive order to his leading commanders, Meade before Petersburg, Ord before Richmond, and Sheridan at the head of the cavalry, to prepare for a movement to the left on March 29, to turn the enemy "out of his present position around Petersburg." Sheridan was not yet with him, but was daily expected to come in, after a cavalry raid, in which, leaving Winchester in the Shenandoah valley on February 27, he had swept south-westward to Staunton, thence south-east to Columbia on the James river, forty miles to the rear of Richmond, and thence by an eccentric northward circle round Richmond to join Grant's army at City Point, where, according to expectation, he arrived on March 26. On his way he had defeated Early, capturing the remnant of his force, in all 1600 officers and men, and wrought great destruction to the James river canal and the railroad from Charlottesville to Lynchburg.

As if to fill Grant's hand of winning cards to overflowing, General Sherman also arrived at City Point from North Carolina the day after Sheridan; and there occurred one or two meetings at which President Lincoln, General Grant, General Sherman, and Admiral Porter, who had taken part in January in the capture of Fort Fisher, and was then at City Point with his fleet, were present. The record of the conversations at these meetings is very meagre. The generals related their experiences, and expressed full confidence in their ability to prevent the junction of Lee and Johnston. The President wished the war might come to an end without another bloody battle, and intimated his hope that Jefferson Davis and other Confederate leaders might personally escape, and his willingness to deal liberally in restoring the subverted authority of the Union in the Southern States. When Sherman departed to rejoin his command in North Carolina, it was with the understanding that he would be ready by April 10 to resume his northward march to join Grant

in the final campaign. It does not appear that Grant informed him of his preparatory order, or his expectation of capturing Petersburg during the President's visit. His plan in detail was not yet formed. That came as an inspiration of the first day's movement. The grand total of all arms under Grant at this time was 124,700; that of the forces under Lee 57,000.

In preparation for the final campaign that was about to begin, an army corps under Ord was brought from the north to the south side of the James river; and the commands in the trenches were so thinned and shifted as to leave the two army corps under Warren and Humphreys disposable for a mobile column to support Sheridan. These three commanders, moving by the left, were to turn Lee's extreme right near Five Forks; and, as soon as Lee depleted his lines anywhere to defend his threatened right, the Federal commanders along the whole line, alert to discover the weak point, were to assault, break through it, and vigorously follow up their success.

The march was begun promptly as ordered, on the morning of March 29, 1865, with a prospect of improving weather. By five o'clock in the afternoon Sheridan was at Dinwiddie Court House, where after some unimportant skirmishing he went into camp. Another storm set in, and, as was anticipated, Lee sent a considerable force to dispute the advance. During the next two days there was much confused fighting and blind marching on both sides, through flat miry woods, aggravated by wretched weather. On April 1, however, the situation was cleared up. Sheridan gradually drove the enemy before him into their field works at Five Forks, and, having by five o'clock found and brought up his infantry supports, forced an engagement in which he utterly routed the Confederates, capturing 4500 prisoners, 13 colours, and 6 guns.

This brilliant success was only a prelude. When on the night of April 1 General Grant received news that Sheridan had won his battle at Five Forks, he immediately sent orders to his corps-commanders to assault Lee's entrenchments. They were not only prepared for the order but confident of success. On the morning of Sunday, April 2, Parke at the Jerusalem plank-road, Wright west of the Weldon railroad, and Humphreys at the Boydton plank-road, gained complete possession of the Confederate works. The same forenoon, while Jefferson Davis at Richmond sat in his pew in St Paul's Church listening to the sermon, a telegram from General Lee, dated Petersburg at half-past ten, was handed him, which read, "My lines are broken in three places. Richmond must be evacuated this evening."

The several Unionist detachments that had broken through Lee's entrenchments were no sooner well inside the Confederate lines than they turned towards Petersburg, and, taking the works in reverse, made rapid progress, except where they came upon completely enclosed redoubts or forts. These presented a harder task, and caused great loss

before they were captured. By evening, however, of April 2 the Unionist forces had possession of all except the inner line of defences immediately enclosing the city from the Appomattox river on the east to the same stream on the west. When night compelled a cessation of the attack, General Grant ordered that the assault should be resumed as early as possible on the morning of April 3. But with the dawn of that day, it was discovered that the remaining works were all empty. At three o'clock on the afternoon of April 2 General Lee had issued his order for the evacuation of both Petersburg and Richmond; and by dawn of the 3rd his remaining forces were marching rapidly towards Amelia Court House, in the effort to escape to Danville or Lynchburg.

Grant himself entered Petersburg early on the 3rd, and, sending for Mr Lincoln, then at City Point, had the pleasure of welcoming the President to the captured city later in the day. General Weitzel, who had been left in command before Richmond, also soon learned of the flight of the Confederates; and the Southern capital was formally surrendered to him at a quarter past eight on the same morning.

(6) The surrender

When the Federal troops entered Richmond they found that the retreating Confederates had by official order set fire to the bridges, the steamers at the wharves, and several buildings containing various dépôts of supplies; and that from these the fire had broadened into a great conflagration, which by nightfall burned out the heart of the city. It was the Federal troops who organised resistance to the flames, put a stop to general pillage, restored public order, and for a considerable period afterwards supplied rations to the inhabitants, who, by order of their own government, were left in a houseless and starving condition.

In his flight from his entrenchments, Lee's first hope was, by following the Richmond and Danville railroad towards the south-west, to reach Danville and form a junction with General Johnston; and to this end he directed supplies to meet him at Amelia Court House and at Burke's Station, the latter being the point where the Petersburg and Lynchburg railroad, running west, crosses the Danville road. But when his hungry troops reached Amelia Court House they found no food. This compelled a halt of twenty-four hours to gather what they could from the neighbourhood, already stripped bare. The delay gave Grant's pursuing columns such advantage that, while Lee was still at Amelia on April 4, half of Sheridan's horse and the 5th corps of infantry had already reached Jetersville on the Danville road, exactly in Lee's path towards Burke's Station, where they were joined on April 5 by two other infantry detachments. Lee's report admits that "this deprived us of the use of the railroad, and rendered it impracticable to procure from Danville the supplies ordered to meet us at points of our march."

Compelled thus to change his plan and route, Lee's next endeavour was to reach Lynchburg, from which he might hope to gain a refuge in the Virginia mountains. Neither plan offered anything but a brief prolongation of a hopeless struggle; and the second, like the first, found a quick termination. For three days longer it was almost an even race on parallel lines westward, with Sheridan's ubiquitous cavalry hanging on the flanks of the enemy's march, skirmishing, fighting, capturing prisoners, burning Confederate waggon-trains, and gathering up their abandoned artillery. Both sides exhibited heroic valour and endurance, under conditions which severely tried the skill and fortitude of even such veteran soldiers as they had become — miry roads, swollen streams, intense fatigue, want of food, and marching at a pace which only the wild excitement of flight and pursuit could have sustained. As a mere military spectacle it was a fitting climax to the great clash of arms that for four years had extended over a thousand miles of American territory. In that running fight along the fifty miles from Petersburg to Appomattox, the Federal army lost 10,000 men in killed, wounded, prisoners, and missing, and the Confederate army more than twice as many, without counting the final surrender.

But the very fierceness of the combat brought it to a speedy ending. On April 6 the bulk of Sheridan's cavalry and portions of several infantry columns managed to isolate the greater part of Lee's rear-guard at Sailor's Creek, routing and capturing the whole of Ewell's command, from 6000 to 8000 men, including among the prisoners six leading Confederate generals. Such a disaster, added to the wholesale desertions and disorganisation that attend every march of this character, brought conviction to the remaining Confederate leaders. On the evening of April 7 several of the commanders informed General Lee that in their opinion the time had come to end the contest. It was perhaps hardly to be expected that he would yield at once to an intimation of this kind; but the advice was reinforced by a note which Grant sent him on the same day, demanding the surrender of the Army of Northern Virginia. Lee prolonged the correspondence through the 8th, first by asking terms, and then by saying that, while not ready to surrender, he would confer about the restoration of peace. This offer Grant promptly and properly declined.

During the whole retreat the Federal commanders, by intuition rather than express orders, had constantly forced the Confederates away from the railroads. While the interchange of notes went on, Sheridan's cavalry once more got ahead of Lee's army, capturing four trains full of Confederate provisions at Appomattox Station, where also at daylight on the 9th Sheridan was joined by portions of the 5th and 24th corps of infantry. On the evening of the 8th, Lee's army, reduced to two corps, those of Gordon and Longstreet, had reached Appomattox Court House, six miles north of Appomattox Station. Believing that only Sheridan's

cavalry confronted him, Lee ordered Gordon's corps to clear the way for a continuation of their retreat. But when Gordon, advancing on the morning of the 9th, saw the cavalry gradually retire, opening to his view the solid lines of Federal infantry directly in his way, he halted and hurriedly sent two messages, one with a white flag to Sheridan, asking a suspension of hostilities pending negotiations for surrender, the other to General Lee, on receipt of which the Confederate commander at once announced his intention to hold a conference with General Grant.

That afternoon the village of Appomattox was made historic by a meeting of the military chiefs. Lee, a tall, handsome man, fifty-nine years old, over six feet in height, with silver grey hair, erect in carriage, and wearing a full new Confederate uniform with handsome sword and sash, arrived first and was conducted to the parlour of a comfortable two-storey brick house. Grant arrived soon after, clad in the ordinary fatigue dress he habitually wore, "the uniform of a private soldier, with the shoulder-straps of a Lieutenant-General," as he himself describes it in his memoirs, without sword or sash, and with his trousers tucked into his top-boots, which were splashed by his hurried ride. He was then forty-three years of age, five feet eight inches in stature, with shoulders slightly stooping, and dark brown hair and beard without a trace of grey. The interview was courteous; the terms of surrender granted and accepted were simple. Officers and men were to be paroled not to take up arms against the United States until properly exchanged, and to return home, "not to be disturbed by the United States authorities so long as they observe their paroles and the laws in force where they may reside." Lee expressed his special gratification that the officers were permitted to retain their side arms, private horses, and baggage; and that every soldier who claimed a horse or mule might ride him home to do the summer's ploughing. When Lee mentioned that his army was out of provisions and had been subsisting on parched corn, Grant promptly agreed to supply rations. It was found that the surrendered army numbered 28,000 men.

The warning which Jefferson Davis received in St Paul's Church on the morning of April 2, that Richmond must be immediately evacuated, came with a painful suddenness, notwithstanding the fact that such a probability had been discussed, and that he had previously sent away his family and the furniture of his house. That evening the Confederate President and Cabinet with such archives as they could hastily pack, departed for Danville, on the only available railroad train. Arriving there on the 5th, Davis issued a proclamation in order once more to "fire the Southern heart," stating that they had "now entered upon a new phase of the struggle," and that Virginia should be held and defended, "and no peace ever be made with the infamous invaders of her territory."

Hearing, however, on the same day that Lee had surrendered to Grant, the fugitive Confederate government again hastily packed its

archives, and moved to Greensborough, North Carolina. Here, on April 12, Davis called Generals Johnston and Beauregard into council with himself and three members of his Cabinet; and in an amazing mood of optimism informed the party that in two or three weeks he expected to have a large army in the field in response to new proclamations. "I think we can whip the enemy yet," he said, "if our people will turn out." The two generals entertained no such absurd illusion. They replied that men whom the Conscript Bureau had been unable to force into the ranks would hardly come upon mere invitation. That afternoon Breckinridge, the Secretary of War, also arrived, bringing definite news and details of Lee's surrender. When the council met again next morning, the situation was awkward. Davis was still unconvinced and stubborn; the members of the Cabinet had not the courage to tell him the plain truth, and the generals had no authority to suggest the obvious duty of the hour. The spell was broken when at length Davis invited General Johnston to give his views. "My views are, sir," he replied bluntly, "that our people are tired of the war, feel themselves whipped, and will not fight." He then tersely compared the strength of the opposing forces, about eighteen to one; represented that, in such circumstances, it would be the greatest of human crimes to continue the struggle; and urged Davis to exercise at once the only function of government still remaining to him, namely, to open negotiations for peace. These opinions being supported by three of the members of the Cabinet present, Davis reluctantly consented; and the remainder of the interview was devoted to drafting a letter to be sent by Johnston to Sherman asking a suspension of hostilities to permit the civil authorities to negotiate for peace.

Receiving this letter on April 14, Sherman promptly replied the same day, agreeing to a conference, and suggesting as a basis of discussion the terms and conditions made by Generals Grant and Lee at Appomattox. The meeting was duly held on April 17; but, instead of adhering to his first suggestion, Sherman allowed himself to be persuaded on the following day to sign a provisional convention for the surrender of all the Confederate armies, including such important political conditions, that when they were brought to the notice of the Washington authorities, the convention was promptly rejected, and a cessation of the armistice and a resumption of hostilities peremptorily ordered. Within a few days, however, General Johnston requested another conference and proposed a modification of the former terms; and on April 26 the two generals signed a new convention, surrendering all the forces under Johnston's command, a total of 89,360 in North Carolina, Georgia, and Florida, upon the simple military conditions which Grant had given to Lee.

Davis and his party meantime had continued their southward flight without awaiting Sherman's answer. Their railroad accommodation

extended no further than Greensborough, whence they continued their journey with the aid of such vehicles and horses as they could scrape together. For a while their escort was swelled by little detachments that had broken away when Johnston surrendered his army; and, when Davis joined his family at Abbeville, South Carolina, they were provided with a comfortable waggon-train. From this time, however, under rumours of swift pursuit, the disintegration of the escort was rapid; and when finally the presidential party was arrested at daylight on May 10, in their camp near Irwinville in southern Georgia, by a detachment of Federal cavalry under command of Colonel Pritchard, there remained together only Jefferson Davis, six members of his family, Postmaster-General Reagan, seven staff officers, several servants, and twelve private soldiers.

The government had offered a large reward for the capture of Davis, under the supposition that the Southern president had been an accomplice in the assassination of President Lincoln; but the allegation was eventually proved false. After an imprisonment of about two years in Fortress Monroe, he was indicted and arraigned for the crime of treason, and liberated on bail. Pending a motion to quash the indictment, President Johnson, on December 25, 1868, issued a general proclamation of amnesty which included Davis; and he thereafter remained at liberty at his home in Mississippi until his death, which occurred at New Orleans, while he was visiting that city, on December 6, 1889.

Two days before the capture of Jefferson Davis, General Richard Taylor surrendered to General Canby the Confederate forces in the States of Alabama and Mississippi, 42,293 in number; and on May 26 General E. Kirby Smith surrendered to General Canby the final remnant of all the Confederate armies, some 17,686 men, under his command in the trans-Mississippi department.

If the warlike strength of the government of the United States had been fully tested during four years by the valour and patriotism of an average of a million armed men, the power of its civil authority was now demonstrated in an equally shining example, by their devotion to law and their love of peace. Two days after the surrender of Johnston to Sherman, the Secretary of War ordered every chief of bureau in his department to begin immediately the reduction of expenses to a peace footing. A few days before General E. Kirby Smith made a formal surrender of the last fragments of Confederate military organisation still under arms in the immense department west of the Mississippi river, the two great armies of Grant and Sherman were assembled at Washington on their homeward march, where on May 23 and 24 they passed in a last grand review along Pennsylvania Avenue, and before President Johnson, surrounded by the various state dignitaries in a temporary pavilion erected in front of the White House. From this magnificent pageant of two days' duration, they returned to their

own States; and in one year from that date a million volunteers had been mustered out of service, and had again taken up their ordinary vocations, without an ambition on the part of a single American soldier, except to continue to deserve in civil life whatever distinction he had won on the field. In contrast with the war-appropriations of over $500,000,000 for the fiscal year of 1865, the estimates for 1866 had been cut down to $33,000,000. On June 13, 1865, the President proclaimed the insurrection at an end in the State of Tennessee; and on August 20, 1866, his final proclamation announced that "peace, order, tranquillity and civil authority now exist in and throughout the whole of the United States of America."

(7) The death of Lincoln

From his parting visit to General Grant at Petersburg on April 3, 1865, President Lincoln returned to City Point, where he learned that Richmond had fallen and had been occupied by Unionist troops; and on the following day, April 4, Admiral Porter arranged a visit to the Confederate capital for the President, the Admiral and several army officers. Proceeding by boat up the James river, the party started with ample conveniences for the trip. But when, on nearing Richmond, they came to a row of piles which had been placed across the river as a military obstruction, they found the opening through it so far closed by a disabled vessel that their steamer could not pass. With more zeal than prudence, the Admiral urged that they should leave behind their steamer, with the carriage and cavalry escort, and proceed in the twelve-oared barge he had brought along; and, seated in this, they were towed by a small tug-boat the remaining distance to one of the Richmond wharves. Procuring a guide from the coloured men loitering near their landing-place, and without knowing how far they had yet to go, Admiral Porter formed the party into a little procession of six sailors armed with carbines in front, and four in rear; and between these, without other escort, President Lincoln and his four companions walked a distance of perhaps a mile and a half to the centre of Richmond. In that southern latitude it was already hot, and the march was tedious and fatiguing, over rough roads and through dusty streets. Probably never before, in the whole course of history, did the ruler of a great nation make so simple and unpretending an entry into a conquered capital. The party at length reached the head-quarters of General Weitzel, the new Federal commander, in the house which Jefferson Davis had occupied as his official residence only 36 hours before. After this, of course, every comfort was provided for President Lincoln during the remainder of his stay, and in his visits to the scene of the conflagration which followed the

evacuation of the city, and to various points which the war had rendered historic. From Richmond the President returned to City Point, whence he took steamer for Washington, called back by a severe accident that had happened to Secretary Seward.

For a week after his return, Lincoln and his Cabinet were fully occupied with important details of administration, particularly with the serious question of reconstruction, which the recent military successes so suddenly forced upon them. On the evening of April 11, in response to a serenade, after thankfully expressing the national joy at the prospect of speedy peace, the President dwelt at some length upon the difficult problems by which the question was environed. Neither he nor his listeners had any premonition that this was to be the last public address he would ever make.

The subject of reconstruction was again discussed in the Cabinet meeting held on Friday, April 14. Lincoln spoke hopefully of being able to restore the machinery of civil government in the Southern States without encountering too much objection from extreme radicals on the one hand or obstinate conservatives on the other, and without excessive friction between the conquering and the conquered authorities; and an unusual feeling of gratitude and generosity pervaded his words. The Cabinet meeting was made doubly interesting by the presence of General Grant, who had arrived that morning from the field, bringing with him Captain Robert Lincoln, the President's son. The day itself had a historic significance. It was the anniversary of the fall of Fort Sumter; and a great celebration was then in progress inside the battered walls of that fortress, in which General Robert Anderson again raised the identical flag which his own hands had hauled down four years before.

In Washington on that evening, the President and Mrs. Lincoln, accompanied by two young friends, went to Ford's Theatre to see the comedy of *Our American Cousin*. At about ten o'clock, while the President, seated in an arm-chair in the upper right-hand stage-box, was deeply absorbed in the progress of the play, a young actor named John Wilkes Booth, a fanatical Secessionist, having gained entrance to the little corridor, noiselessly opened the box-door immediately behind Lincoln, and, holding a pistol in one hand, and a knife in the other, put the pistol to the President's head and fired. Major Rathbone, who was in the same box, sprang to seize the murderer, but the latter dealt him a savage cut on the arm with his knife, and, advancing through the box, placed his left hand on the railing and leaped from its front to the stage below. A spur that he wore caught in the folds of the American flag which draped the front of the box, causing him to break the small bone of one leg in the fall. Nevertheless, he raised himself to his full height and, brandishing his knife as he turned to the audience, shouted the State motto of Virginia,

"*Sic semper tyrannis*," and, hastening through the familiar passages to the rear door of the theatre, mounted a saddle-horse waiting there and galloped away.

The ball fired by the assassin had entered the back of the President's head on the left side, and, passing through the brain, lodged just behind the left eye. For an instant the audience was stupefied by the pistol-shot and the assassin's dramatic exit; then followed clamour and confusion in the effort to render assistance and in the eagerness of pursuit. The wounded President, breathing but unconscious, was borne to a house across the street. Before such a hurt the skill of the surgeons was unavailing; yet his strong vitality was slow to surrender life. The family and State dignitaries watched by his bedside through the night, and at twenty-two minutes past seven the next morning Abraham Lincoln breathed his last.

Vice-president Andrew Johnson was in Washington at the time, and at eleven o'clock Chief Justice Chase, in the presence of a few witnesses, administered to him the oath of the presidential office. This formal ceremony passed almost unnoticed amid the profound grief and gloom that President Lincoln's death spread through the nation. On the 19th, after a brief funeral service in the East Room, the body was borne with solemn official and military pomp to the rotunda of the Capitol, where it lay in state until the evening of the next day, and where thousands took a last look upon his face. Then began a great mourning pageant, in which the remains were borne amid impressive and reverent popular demonstrations through the great cities of the States of New York, Pennsylvania, Ohio, and Indiana, back to his home at Springfield, Illinois, over almost the same route by which he had come to the seat of government as President-elect in February, 1861. On May 4, 1865, the body was laid to rest in the cemetery of Oak Ridge, where an imposing monument has been erected over the grave.

The elaborate preparations to assassinate the President were the result of a conspiracy which Booth had arranged and had been carrying on for some weeks, though the final devices of the plot were contrived the same day. Nine persons were active in the conspiracy, with a number of others, some consciously, some unconsciously, playing minor parts. The plot contemplated the assassination of several other high government officials, upon only one of whom, however, an attack was made. Secretary of State Seward was confined to his bed by a fracture of the arm and jaw received in a fall from his carriage. Simultaneously with the tragedy at the theatre, one of the conspirators named Payne, a stalwart but brutal and simple-minded youth of twenty years, pretending to bring medicine for the Secretary, forced his way into Mr Seward's bedroom, in the second storey of his house, and despite the efforts of Seward's son, whom he beat down with the butt of a

pistol which had missed fire, and of a soldier-nurse whom he brushed aside, fell upon the Secretary, inflicting three terrible wounds in his cheek and neck with a huge knife. With desperate energy the Secretary rolled himself to the floor between the bed and the wall, and, baffled in his attempt, the would-be murderer again forced his way downstairs to the street.

Notwithstanding the weakness and pain of his broken leg, the assassin Booth, favoured by accidents, managed to escape first into Maryland and then into Virginia, where, after almost intolerable exposure and suffering, he was, on April 25, traced to his hiding-place in a barn and shot, while it was being burned to drive him out. Payne was arrested on his return to the city, after having for two days hidden himself in the woods east of Washington. The other conspirators were soon ferreted out and taken into custody. After a long and searching trial by a military commission, during the months of May and June, four of the accessories were sentenced and hanged, three imprisoned for life at the Tortugas, another was sentenced to six years in jail, and the ninth, after two years of wandering about Europe, was finally freed by a disagreement of the jury.

The assassination of Abraham Lincoln caused a profound sensation throughout the civilised world. The deliberate malice of the murderer as shown in his preparations, the savage boldness of his deed in the midst of a great assemblage, the contrast of the black crime with the surrounding scene of brightness and pleasure, shocked every human soul not distorted by fanatical hatred. The sincere condolences and tributes of respect to the memory of the dead President that were sent by rulers and cabinets, by cities and associations, by individuals eminent in state and church, in science and art, came from all nations, in almost every language. These messages of sympathy were inspired more by affection than horror, for in the loss of this lowliest-born of men, whose genius had lifted him to the highest powers and prerogatives, who had shared the labours of the humblest and worn the honours of the proudest, all mankind felt a common bereavement.

He was beloved by his countrymen because he was the full embodiment of American life, American genius, American aspiration. No American statesman has equalled him in comprehending and interpreting the thought and will of the common people. He had realised the republican ideal that every American boy is a possible American President; and he gave the national birthright a new lustre, when, from the steps of the White House, he said to a regiment of volunteers: "I am a living witness that any one of your children may look to come here as my father's child has." It was by no means an idle forecast. Without even waiting for a generation to grow up, five American volunteer soldiers, who were under fire in the Civil War, have since then worthily filled the Executive Chair of the Republic.

But it was not merely a romantic influence which Lincoln had on American life. He lifted the Declaration of Independence from a political theory to a national fact. He enforced the Constitution as the supreme law. It was under him that for the first time the American government attained full perfection in its twin ideals of union and liberty.

While foreigners could not so correctly understand or value his typical American characteristics, they were able to estimate his greatness and achievements for more universal reasons. At the beginning of the Civil War, observers and critics in other lands, judging from superficial indications, generally assumed that a permanent dissolution of the Union was a foregone conclusion. Conservatives looked with a degree of satisfaction upon what they deemed a certain failure of the experiment of republican government. Liberals scarcely dared hope that the Union would emerge from the struggle in undiminished strength and territorial integrity. Both classes very naturally doubted whether a rail-splitter candidate, even though he had the shrewdness to carry a popular election, possessed the wisdom and the strength of will to conquer a formidable rebellion. This question was now solved by the test of experiment. Lincoln had reconciled, harmonised, and rewarded his rivals, crystallised the strength of the loyal States, inspired financial confidence, dominated the jealousy of his generals, baffled the intrigues of faction, and led the public opinion of his nation from indefinite tolerance to the abrupt and total destruction of the institution of slavery. All this he had accomplished with a sagacity, a tact, a patience, a moderation, and yet with an unyielding firmness that made his re-election to a second term at once a popular demand and a party necessity. He had ruled with an intelligent purpose, a consistent determination, an abiding faith. He had administered a steady uniform justice, and tempered it with mercy and forgiveness so ready and broad that he was often censured for leniency and never for sternness. He made liberal offers and grants of amnesty. Striking slavery its death-blow with the hand of war, he tendered the South compensation with the hand of friendship and peace. Commanding a million armed men, his sole ambition was to vindicate the doctrine that the majority must rule, that there can be no appeal from the ballot to the bullet.

To the admiration of foreigners for the art and magnanimity of the ruler was joined their appreciation of his unselfish personal rectitude, and his world-wide humanitarian wishes of freedom for the enslaved, and hope for the oppressed in all lands. Above all, it was his great act of Emancipation that raised his administration to the plane of a grand historical landmark, and crowned his title of President with that of Liberator.

CHAPTER XVII

THE NAVAL OPERATIONS OF THE CIVIL WAR

THE outbreak of war between the Northern States and the Confederacy found the Federal navy ill prepared and ill organised for a great struggle. The material was insufficient in quantity and inferior in quality. Though armoured ships were then under construction both in England and France, the American fleet included no vessels of this type. The total of steam-vessels was only forty; and of these eight were for various reasons useless. Twenty-four vessels were in commission, scattered over the world, and eight more were in reserve in the dockyards, without crews. At the outset of the war only three steamers were ready for sea, manned, and in Northern ports. The other ships in the navy were sailing vessels, and were of but insignificant value for warfare in an age of steam. Nor was the organisation superior to the material. The direction of the fleet was entrusted to several independent bureaux under a civilian head, with no general staff and no intelligence department. The organisation was devised for peace, not for war; but, fortunately for the North, a capable Chief of the Staff appeared in the person of Captain G. V. Fox, a retired naval officer, who became Assistant-Secretary of the Navy. On him devolved the strategical direction of the naval operations; and to his efforts the final success of the United States in the conflict was in no small measure due. The *personnel* of the navy was on the whole good, though the officers of higher rank were much too old and, with a few brilliant exceptions, unenterprising and afraid of responsibility, owing to the long peace, in which the duty of being always prepared for war had been overlooked. The total number of officers, commissioned and non-commissioned, of all departments was 1563, of whom 321 resigned and threw in their lot with the South, while 350 more, although of Southern birth, remained true to their flag. The total of officers and men was 7600.

As the country possessed a large merchant marine and great ship-building facilities, the necessary expansion of the navy was only a matter of time. Every serviceable steamer in the merchant marine was purchased for the fleet; and a large number of sloops, gunboats, and small paddle-steamers were ordered to be constructed. In August, 1861, it

was determined to build a number of ironclads; and among the types selected was the famous turret-ship *Monitor*, designed by Ericsson, but not accepted by the navy department without great resistance on the part of conservative naval officers, who distrusted this revolutionary departure from preconceived ideas. So rapid was the expansion of the navy that, in the last year of the war, the United States possessed 671 ships, most of them steamers, and many of them armour-plated, manned by 51,500 men. Had half this force existed at the outset, every Southern port must have fallen into Northern hands in the first few weeks of war, and the Secession movement would have been crushed at its birth.

But weak as was the position of the United States navy at the outset, the naval position of the Confederacy was weaker still. The Confederate States had no organised navy; they had no ships intended for war, and but small facilities for building. Their poverty and their dearth of engineering resources placed them at the gravest disadvantage. The iron essential for armour-plating could only be obtained with difficulty; if we can believe the Southern journalist, Pollard, an appeal was actuaally issued for broken pots and pans to melt down for this purpose. Everything had to be improvised — hulls, machinery, ordnance, armour, ammunition, and projectiles; and the energy with which, notwithstanding all these obstacles, effective fighting ships were constructed, reflects the highest credit upon the officers of the Confederate navy. The want of sulphur and saltpetre in the Confederacy compelled the commanders of ships, when in action, to be extremely sparing of their ammunition, and reacted in a marked degree upon the conduct of the operations. The more vigilant and effective the blockade of the coast became, the greater grew the difficulty of meeting the demands for war material; and there came a time when, despite the military importance of the railroads, rails had to be torn up to make armour for the ships. For officers, the Confederacy could rely upon the services of the many able and devoted men who had resigned commissions in the United States' navy; but seamen were harder to obtain, and the crews of the Confederate vessels were generally made up of landsmen.

Since the South had no seagoing warships of any value, the maritime struggle was necessarily fought out on the coasts, the Northern fleets assailing in succession the fortified positions of the South on the seaboard and the Mississippi, often but not always in co-operation with the Northern army. The twofold dependence of the South upon the external world, as the source of supply from which it drew military and engineering material, iron, clothing, and a hundred other necessaries of war, and as the market for its cotton, the sale of which could alone provide the sinews of war, naturally suggested to the Northern strategists a close blockade of the Southern coast-line — a gigantic task, inasmuch as that coast stretched at the beginning of the war from Chesapeake Bay to the Mexican frontier, a distance of 3500 miles. The occupation

of the Mississippi valley and the control of the waters of that river and its tributaries by a naval flotilla were the logical extension of the blockade principle, since such action would sunder the Eastern States of the Confederacy from the Western States and from the only land frontier which touched a neutral power, Mexico. It would also close these rivers to the movements of Southern troops, at the same time opening them to the passage of the Northern armies for the purpose of land operations. Nor was this all. At the date of the outbreak of war, direct communication between the centres of population in the Confederacy was still effected in large measure by water. The carriage roads were very rough; and the railway system was imperfect, the lines being poorly laid and ill-equipped with rolling-stock. There was railway communication between Richmond, Wilmington, and Charleston; but between the Atlantic coast and the Mississippi valley there were only two lines — that from Richmond through Chattanooga to Memphis, and that from Charleston through Atlanta to Vicksburg. These lines were linked up at three points by lateral branches; they were only laid with a single pair of rails, and possessed no facilities for working much more than two or three freight trains a day. One of these lines, moreover, was broken early in the war. Thus, though at first the South enjoyed the advantage of interior lines, it lost this advantage with the loss of its rivers, the steady deterioration of its railroads, and the close blockade of its coast.

At the same time every single State in the Confederacy was exposed to the attack of combined expeditions; and the government was in consequence compelled by popular clamour to distribute its military force. Any point on the Southern coast or on the navigable rivers might be seized by the North with the help of its overpowering fleet, and made a base for a Northern advance into the interior. Yet this very facility of invasion operated in some degree to the disadvantage of the United States, as it led their government also to scatter its forces in a number of disconnected fields, with no unity of purpose. This mistaken system continued till General Grant attained high command, and brought to bear on the military problem his strategic insight and tenacious will. He found the Union troops scattered and "acting against different and unimportant points, spread out so as to cover a wide and disconnected territory, and . . . in reality doing nothing to accomplish the main objects of the war." He at once directed concentration on the vital points, and by so doing paved the way to final victory.

The blockade of the whole Southern coast, with the exception of the littoral of North Carolina and Virginia, was proclaimed on April 19, 1861; and those two States were included a week later. This was an ironical comment upon the contention of the United States in 1812, since, to render the blockade effective, there were at the moment of the proclamation, as we have already seen, only three steam warships in Northern

ports. It may also be noted in this connexion that, as the war proceeded, the American government was driven by the trend of events to maintain a virtual blockade of the British ports of Bermuda and Nassau, which were the chief centres of the blockade-running trade from 1862 to 1864, just as in 1808 England had been driven to blockade New York. It was not until July, 1861, that the chief Southern ports were watched by Northern cruisers; and for a year longer fast neutral vessels found little difficulty in running the blockade. The acquisition by the North of bases on the Southern coast followed speedily upon the enforcement of the blockade. From the outset Key West had been in Northern hands; in August, 1861, Hatteras Inlet, on the North Carolina coast, was seized; and in the following November, Port Royal. In January, 1862, the entrance to Savannah was blocked with hulks laden with stone, but these in the course of a few weeks were washed away by the tides. In February, 1862, Roanoke Island, at the entrance to Albemarle Sound, was captured; in March, Fernandina and St Augustine, in Florida; in April, Beaufort, North Carolina, Fort Pulaski at the mouth of the Savannah river, and the great seaport of New Orleans; while in May the two United States dockyards, Norfolk and Pensacola, which had fallen into the hands of the Confederates, were recaptured. After this there came a lull in the operations on the coast; but in November, 1863, Brazos Island near the mouth of the Rio Grande, important as intercepting the trade between the South and Mexico, was secured; in August, 1864, Mobile was sealed; and in December of the same year Savannah taken. At the opening of 1865 only two ports — Wilmington and Charleston — were left in the hands of the Confederates. Wilmington was of great strategic importance, as it was through this port that Lee's army before Richmond was supplied with food and ammunition, after the failure of the railroads and the loss of the west and centre of the Confederacy. Fort Fisher, commanding the seaward approach to it, was captured in January, 1865; and the town itself was occupied in February of that year. In the same month the Confederate flag was lowered in the last port of the Confederacy, Charleston.

The establishment of a ring-fence round the Confederate States thus proceeded steadily from the opening of the war; and, with each port that fell, the task of blockading the remaining ports became simpler, as larger and ever larger forces were set free to do the work. Yet these results were not accomplished without severe fighting and some repulses. One of the most important naval actions in the war was the attack on New Orleans, conducted by Flag-Officer Farragut in April, 1862. He had clearly grasped the fact that it was perfectly feasible for ships to run past forts, even when these were situated on each side of a comparatively narrow river; and he argued that, when the forts were passed and the warships placed in their rear, they could be taken in reverse, or isolated and compelled to surrender. Upon this tactical idea his coast and river

operations were usually based. New Orleans and the mouth of the Mississippi were defended by two works—Fort St Philip, an old-fashioned structure, armed with 52 guns, situated on the east bank of the river, below New Orleans, at a bend, so that it enfiladed the channel; and Fort Jackson, a stone work, on the west bank, armed with 74 guns. Afloat on the river, to support the forts, were the roughly-constructed, lightly-armoured ram, the *Manassas*, two ironclads in an incomplete condition, and several small gunboats, hastily armed, and manned with improvised crews. The Confederates were short of stores and ammunition; only four of the guns in the forts were rifled; and most of the others were of small calibre. The passage of the river was blocked, in part by booms, in part by schooners anchored in the stream and secured to each other with strong chains.

On April 18 Farragut began to bombard the forts with mortar schooners, and continued the bombardment for some days, at the same time effecting with his small ships an opening in the obstructions which blocked the fairway. In the dark hours of the morning of the 24th he moved up to pass the forts, with five steam sloops, three corvettes, and nine gunboats. The formation adopted was "line ahead," Farragut's flagship, the *Hartford*, taking station in the centre of the line. The leading ships received a heavy fire from the forts, but sustained no vital injury; most of them, indeed, were little the worse for their pounding. The ram *Manassas* and some fire-rafts which were let loose by the Confederates were on the whole more troublesome than the forts. During the engagement, the want of initiative in the older officers of the United States' squadron was curiously illustrated by the action of one captain, who hailed ship after ship, in order to obtain Farragut's permission to run down the *Manassas*, instead of acting on his own judgment. Farragut himself was for some minutes in great danger. A fire-raft came down on the *Hartford* and set her on fire; while at the same moment she grounded under the guns of Fort St Philip. But her crew extinguished the flames; the ship came off the shoal; and Farragut went ahead with a loss of only ten killed and wounded. Three of the ships in the rear failed to make the passage, mainly because the day was breaking when they reached the forts. The ships which had passed set to work at once to destroy the hostile flotilla, and then pushed on and took possession of New Orleans. The two forts, thus left isolated, surrendered, as Farragut had anticipated, on April 28. The blow was politically a most serious one. If New Orleans had not fallen, wrote the Southern envoy in Paris a few weeks later, the recognition of the Confederacy by France could not have been much longer delayed. This great feat was accomplished with a loss to the fleet of only 37 killed and 147 wounded, and one small ship rammed and sunk.

In April, 1863, the Federal navy attacked the Charleston forts; but on this occasion the conditions were less favourable, and the attempt

failed. Admiral Dupont, who was in command, was unwilling to attack, but was overruled by the naval authorities at Washington, owing to their excessive confidence in his armoured vessels, of which he had nine, all but two being of the *Monitor* pattern. It was impossible to adopt Farragut's tactics, and to steam past the forts, in order to take them in reverse, as the entrance to the harbour was closed by obstructions and torpedoes. The forts to which the squadron was opposed mounted only 77 guns, of which 17 were rifled; but an hour's heavy firing made no impression whatever on the forts, while all the vessels engaged were repeatedly struck. Though the loss of life was insignificant, the turrets were jammed, the conning-towers much damaged, and one of the armour-clads was so riddled that she sank next day. This unfortunate experiment showed the grave risks run even by armoured vessels in attacking forts; but it had no influence on the course of the war, and is of interest mainly from the technical standpoint. The blockade of Charleston continued to be maintained, and the ships engaged were speedily repaired.

Far more important in its results was Farragut's capture of the forts defending the entrance to Mobile Bay, in August, 1864. There were two forts to be passed, one of which was two miles distant from the deep-water channel, and therefore played but an insignificant part in the action. The other, Fort Morgan, mounted 35 heavy guns, and stood close to the channel, on its eastern side. Under the guns of the fort a double line of torpedoes had been carried across the channel, with a clear passage, 300 feet wide, for blockade-runners, close to the fort. In the bay was a considerable flotilla, the most formidable vessel in which was the *Tennessee*, a steamer plated with armour from five to six inches thick, but fitted with engines so feeble that she could only make six knots, while her steering gear was exposed and unprotected. She carried six heavy guns, and flew the flag of the Confederate admiral, Buchanan. The three gunboats which supported her were of little account; but the presence of a hostile ironclad, imperfect though she was, rendered the passage of the forts an extremely dangerous operation.

Farragut, however, was a leader of great capacity and daring; and his repeated successes had given the navy complete confidence in him. He had at his disposal a powerful fleet. Four of his vessels were ironclads, of the *Monitor* type, two of them very formidable craft. Besides these he had fourteen wooden steamers. The ships mounted a total of 159 guns, the majority being of large calibre. By Farragut's orders, the monitors were to lead in single line, and the wooden ships were to follow in pairs lashed together, a small vessel being firmly attached to each large ship, on the side away from Fort Morgan. Thus two sets of engines would have to be disabled before any ship would be left helpless, while the weaker vessels would be screened from the fire of the fort. As a measure of protection heavy chains were fastened to the exposed side

of the larger ships; and sandbags were in some cases used to defend the decks and sides against shell-fire. At dawn on August 5 the signal was given for the fleet to make the perilous attempt, and open the last and fiercest naval encounter of the war. The monitor *Tecumseh*, captained by Commander Craven, led the way; and as she came on the *Tennessee* moved into position to support the fort. Straight at the gap in the chain of torpedoes went the *Tecumseh;* then, as her captain saw the *Tennessee* on the further side of the fateful line, he turned deliberately and headed across the field of danger, probably because he thought it impossible to take his badly-steering vessel through the narrow gap in the torpedo line. As his ship passed over the torpedoes a dull muffled roar was heard. The sea heaved; the *Tecumseh* rolled violently from side to side; then she lurched forward and her bows plunged, showing to her comrades astern her whirling screw. She sank with incredible swiftness; and, as she went down, Craven, who was with the pilot in the conning-tower, made an instinctive movement towards the narrow man-hole, in order to escape. But even as he moved, his chivalry asserted itself. "After you, pilot," he exclaimed, and drew back to make room for his comrade, who passed through the man-hole and escaped, while the gallant Craven went down with his ship.

While this scene was being enacted, the other monitors were passing safely under the fort and up the channel. The wooden ships had now overhauled the monitors and were bunched up to the lee of them. The *Brooklyn*, first in the line of wooden ships, stopped and signalled that she could not go ahead owing to the monitors in her way. The *Hartford*, with Farragut's flag, had also to stop, under the guns of the fort. The fire on the ships was heavy; ahead was the line of torpedoes; and the fate of the *Tecumseh* showed that the danger from them was real and terrible. But Farragut was equal to the emergency; as his line curled up and fell into disorder he defied the torpedoes, and went ahead full speed across the mines. The snapping of the torpedo primers was plainly heard in the terrible seconds during which the *Hartford* was forging across the mine-field; there was dead silence on board amid the roar of the fight, while men held their breath and waited in expectation for the explosion to follow; but the ship passed in safety and steamed on to meet the *Tennessee*. The line behind straightened out; and the other ships ran by the fort without the loss of a single vessel.

After a short but fierce encounter with the wooden ships and four unsuccessful attempts to ram, the *Tennessee* was attacked by the *Winnebago*, without much effect, though the Southern ship was compelled to retire under Fort Morgan, to give her gunners rest. Two of the Confederate gunboats were sunk before she returned to the fray; the third, like the *Tennessee*, was driven to the shelter of the fort. After a brief rest the *Tennessee* once more moved out to the attack, though

owing to injuries received she could now steam only five knots. The second stage of the fight lasted an hour. The wooden ships in Farragut's fleet made repeated but unsuccessful attempts to ram their opponent; the issue was only decided when the monitors brought their heavy guns to bear. Under their continued pounding, her armour-plates started, her steering-gear was shot away, her funnel broken, and three of her port-shutters jammed. The ironclad was thus reduced to helplessness; and, Buchanan having been wounded, the white flag was raised. The *Tennessee* had made a gallant resistance to great odds. The loss of life on board her was not heavy; only two men were killed and ten wounded—a fact which illustrates the efficacy of the protection afforded by armour, for she had been exposed for hours to a continuous and concentrated fire from the heaviest guns then known. In the Northern fleet the loss from the enemy's fire was 52 killed and 170 wounded; in the *Tecumseh* all but 21, out of a total of 100 officers and men, were drowned. The forts at the entrance of the bay held out for some little time after the battle; but Fort Gaines, to the west of the entrance, surrendered on August 7, after a bombardment; while Fort Morgan, attacked from land and sea, protracted its resistance until the 23rd. The town of Mobile itself was not at once occupied, as all the troops available were required for the fierce struggle then proceeding in northern Georgia and before Richmond; but the port was thenceforth closed to blockade-runners. The political effect of the victory was extremely important. The news of it arrived at a moment of profound discouragement in the North, when Sherman was still groping his way round Atlanta, when Grant had been repeatedly repulsed with terrible slaughter before Richmond, and when the cry for peace was growing ominously in vehemence. A few weeks more, and the tide set decisively in favour of the North; the action in Mobile Bay enabled the Administration to bridge the period of suspense.

Of great importance, in the final agony of Lee's army before Richmond, was the capture of Fort Fisher, defending the approach to Wilmington, from which port that army was now drawing its supplies. Ammunition, cannon, clothing, and food were imported by blockade-runners, and moved up by rail to Richmond; and this in spite of the presence of a large squadron off the coast. The supply of flour in Virginia was exhausted in 1864; and the Confederate Congress reported that there was not enough meat and bread for the armies, and that meat would have to be obtained from abroad through a seaport. The armies were on short rations; by the testimony of a Southern private, rats, musk-rats, squirrels, and all kinds of vermin were eaten; and bread was three dollars a loaf in Richmond. Lee himself informed Colonel Lamb, the Confederate commander at Fort Fisher, that, if Wilmington were lost, the army would be compelled to fall back from before the Confederate capital. A report of the Secretary of the Confederate

Treasury shows the magnitude of the trade which went on through Wilmington. Between October 26, 1864, and January, 1865, 8,632,000 lbs. of meat, 1,507,000 lbs. of lead, 1,933,000 lbs. of saltpetre, 546,000 pairs of shoes, 316,000 pairs of blankets, half-a-million pounds of coffee, 69,000 rifles, and 43 cannon were obtained through this port from the outer world, while cotton sufficient to pay for these purchases was exported. The problem of defending the place was complicated by the shortness of ammunition for the guns mounted in Fort Fisher. There were but 3600 rounds for the 44 guns, or less than 90 rounds per gun; and no more was to be obtained.

In December, 1864, a large fleet, including six ironclads, arrived off the fort, accompanied by 6500 Northern troops under General Butler. Rear-Admiral Porter commanded the fleet. On the night of the 23rd a ship laden with powder was exploded close to the fort. It had been anticipated that the explosion would destroy the fort; but so little damage was done that the garrison believed a Northern warship to have been blown up by the fire of their guns. After this unpromising beginning, the fort was heavily bombarded on December 24; and the bombardment was resumed next day. In the afternoon of the 25th the troops landed, and advanced to carry the work by assault. Their generals, however, convinced themselves that the place was still too strong to be stormed; and, to the great dissatisfaction of Porter and Grant, the troops re-embarked. In view of this ignominious failure, Butler was replaced by General Terry, an officer of great decision; and on January 13, 1865, the attack was renewed, the fleet bombarding while the troops landed. The fort had now only 2300 rounds of ammunition left, so that it could not waste a shot. All day the bombardment continued; it was repeated on the 14th and again on the 15th. Then at a given signal the ships concentrated their entire fire on the landward face of the fort, while, to the sound of a prolonged blast upon the whistle of every ship, the troops and a party of seamen ashore moved forward to the assault in two columns. The fort was carried after a desperate and bloody struggle, in which the casualties of the Northern army were 691 killed, wounded, and missing. The loss of the fleet was 74 killed, 213 wounded, and 22 missing. With the fall of the fort the value of Wilmington vanished; and the place itself was occupied some weeks later. In April Lee's half-starved army was forced away from before Richmond to the surrender of Appomattox. In the words of the historian of the Confederate navy, "the fall of Wilmington was the severest blow to the Confederate cause which it could receive from the loss of any port. It was far more injurious than the capture of Charleston, and, but for the moral effect, even more hurtful than the evacuation of Richmond. With Wilmington open, the supplies that reached the Confederate armies would have enabled them to have maintained an unequal contest for years; but with the fall of Fort

Fisher the constant stream of supplies was effectually cut off." Thus did the Northern navy give the most valuable assistance in the final overthrow of the Confederacy.

It will have been observed that from first to last the blockade was an agency of the utmost military importance, apart from its economic influence on the South. The want of good boots, which could not be made in the South, affected the marching power of the Southern troops. General Johnston, commanding the Western army, reported in January, 1864, that two out of four brigades in his force could not march for want of shoes, while blankets were also not to be obtained. The miserable condition to which the Southern troops were thus reduced led to a large amount of straggling, which weakened them in every battle. This has usually been ascribed to defective discipline; but obviously it is impossible for any commander to punish severely barefooted and half naked men for inability to keep up with their better equipped comrades. Soldiers who, in the words of an eye-witness, "were crazed with hunger," must either straggle or die.

Second only to the blockade, in political and strategical importance, was the clearing of the Mississippi from Cairo to the sea, though in this undertaking, unlike the blockade, the services of the army were as efficacious as those of the navy. Both sides began the building of warships on the Mississippi in 1861, the Northern vessels being of the gunboat type, lightly armoured. In September of that year the Northern flotilla got to work, supporting the army and skirmishing with the Confederate "bushwhackers" or guerillas. Throughout the early months of 1862 the flotilla rendered invaluable service to Grant. It co-operated in the attack upon Fort Henry on the Tennessee river, where the Northern gunboats were severely handled. Immediately after the fall of the fort, three of the gunboats pushed on up the river to the Alabama frontier, destroyed the Memphis and Ohio railway bridge, and burned a great quantity of Confederate stores, at the same time threatening the important line of railroad which linked Charleston to Memphis. In the attack on Fort Donelson, which commanded the upper Cumberland, the gunboats were directed by Grant to run past the fort and take it in reverse, at the same time cutting it off from the Confederate forces. This work they accomplished, though they suffered severely from the guns of the fort; and their presence on the river above the fort was the strategical cause of the sally of the garrison, which resulted in Grant's first complete victory. That general had worked admirably with the navy; and it was one of his many merits that he understood the power which the possession of this superior flotilla conferred upon him. He was for moving at once up the Tennessee southwestward to Corinth, where the railroad system centred; but he was overruled by an incapable superior, though such action would have had a decisive effect. As the result of his victory at Donelson — a victory

splendidly earned — Bowling Green and Columbus, the enemy's two advanced positions in Kentucky, were evacuated; but the advantage was not followed up. When the advance was made to Pittsburg Landing the flotilla supported the army, and by the confession of Southern authorities did some damage to the Confederates in the battle of Shiloh.

In April, 1862, the Northern gunboats passed Island No. 10 on the Mississippi, compelling its surrender; in the following June Fort Pillow was reduced, after an engagement with the enemy's flotilla off Memphis; and Vicksburg was reached in the same month. Farragut, moving up with his ships from New Orleans, had lately reached a point below the town; and only the stretch of water commanded by the guns of the Vicksburg forts now severed the deep-sea fleet of the North from its victorious flotilla on the upper waters of the great river. With little trouble and but small loss Farragut ran past the batteries up-stream, only to find that no army was available for the attack on what was at that time the last Confederate fortress on the Mississippi. He was therefore forced to return, as his coal was running low and the level of the river was falling; but his excursion had shown others the way. Early in 1863 the stretch of water below Vicksburg, which had for some months been left untroubled by Northern vessels, was the scene of the exploits of the steamer *Queen of the West*, which ran past the Vicksburg works and destroyed a great quantity of supplies, causing the South heavy loss before she was destroyed.

In the spring and summer of 1863 the navy rendered Grant invaluable assistance against Vicksburg — assistance which he, with his usual generosity of disposition, was the first to acknowledge. Farragut had now received instructions once more to move up the river from New Orleans; but the task was more difficult than it had been on the previous occasion, owing to the construction of formidable works at Port Hudson and Grand Gulf. Between these two points the Red River flowed into the Mississippi; and down that river came great quantities of supplies for the Confederate army. Late in the night of March 14 Farragut's small squadron advanced, the ships lashed in pairs, intending to pass the batteries at Port Hudson and attack them from above, with the help of a military force. On this occasion, however, Farragut met with a check. Of his seven vessels only two passed the works; one was destroyed by the enemy's fire, and the others were compelled by various accidents to fall back. But with the two which had passed, joined by a vessel from the flotilla above Vicksburg, he was able to stop the passage of supplies from the Red river, and thus to render sterling service to his cause. A few days later the flotilla above Vicksburg gallantly ran the gauntlet of the fire of that fortress and anchored below. Farragut now received orders to rejoin his fleet at New Orleans, but to do this he had to travel by the *bayous*, the way

down the river being too dangerous to be attempted with his small force. The operations against Grand Gulf and Vicksburg are narrated elsewhere. It is enough to say that with the fall of Vicksburg on July 4, 1863, the Mississippi was lost to the Confederacy. With its loss began that shortage of food throughout the Southern States which, even without the great military catastrophe culminating in Appomattox, must have brought down the Secession movement when the blockade cut off the South from all foreign sources of supply. There was continual fighting between the flotilla on the river and Confederate guerillas upon the banks, down to the close of the war; but these operations possess little interest. So firmly was the river held that, in General Early's words, it became impossible to move foodstuffs across it. At the same time the States of Texas and Arkansas were left isolated and exposed to attack.

One or two serious attempts were made by Confederate vessels to interfere with this process of isolating the South from the rest of the world. In July, 1861, the Confederates had begun the building of an iron-plated superstructure on the hull of the frigate *Merrimac*, which had been burnt and sunk at Norfolk navy-yard; and about the same time the Federals began to construct the turret-ship *Monitor*. The *Merrimac* was completed in March, 1862. She was plated above the water with two layers of iron armour, rolled from rails, with a combined thickness of four inches, superposed upon a massive structure of timber. A ram of cast-iron was fitted to the bow; and inside the armoured pent-house, which had sloping sides and ends, were mounted four rifled and six smooth-bore guns of heavy calibre. No solid shot for piercing armour was supplied for the guns, but this was not thought to be a defect, as the only vessels off the port of Norfolk, in which the *Merrimac* was building, were wooden ships of the old type, vulnerable to shell-fire. The Northern ships were five in number and mounted between them 222 guns; but, as against an armoured ship, they might as well have been armed with toy-pistols. The rapid completion of the Southern ironclad was known to the North, and led to every nerve being strained to get the *Monitor* to sea.

The *Monitor* differed greatly in design from the *Merrimac*. She was described by the Southern officers as resembling a "tin can on a raft"; and the comparison was accurate. When in fighting trim she showed nothing above water but a low hull, well protected by armour, a circular turret plated with iron and mounting inside it two heavy smooth-bore guns, and a low conning-tower, placed in the fore-part of the ship and strongly armoured. The funnels, two in number, were removed in battle. There was no unarmoured target for an enemy's guns; and even the armoured target was small. But against this advantage was to be set the sacrifice of seaworthiness and comfort; the vessel was essentially one for coast-service only, and a voyage in even a moderate

sea was extremely trying to her crew. She was ill-ventilated even in the best circumstances; her speed was very low; the steam-engine which made the turret revolve was not easily controlled, and was apt to carry the guns past the point of aim. The ship was therefore imperfect — an improvisation to meet a great emergency — but, had her designer had more time, there is no doubt that her defects might have been remedied. On March 6, 1862, this vessel left New York for Hampton Roads, in command of Lieutenant Worden, convoyed by two unseaworthy steamers. The voyage tasked her crew severely; water poured in through the openings in her deck, which was awash in the ground-swell of the Atlantic. There were moments when it seemed as though she must be abandoned; but Worden was an excellent officer, a man of extreme tenacity and resolution, and he finally succeeded in bringing his charge safe into Hampton Roads late in the evening of March 8. As she drew near the roads the thunder of heavy firing could be heard far off, towards Norfolk. The crew went to general quarters, and put the ship in fighting trim. They were lighted to their berth in the roads by the glare of a burning vessel, which told eloquently that the *Merrimac* had already got to work.

On that same morning the *Merrimac* had come down to try her guns upon the Northern fleet. She engaged two of the wooden ships, the *Congress* and *Cumberland*, and received their fire with impunity, the shot glancing off her armoured side like so many peas. Far different was it when her own heavy guns gave tongue against her adversaries. Her shells wrought horrible slaughter in the *Congress;* she then charged the *Cumberland* with the ram and struck her at her moorings, in the fore-channels, a blow which proved deadly. A huge gap was left in the side of the *Cumberland*, and she at once began to settle in the water; but the crew refused to surrender, and fought their ship to the last. While this was happening, the *Congress* made sail, and strove to reach the shoal water under the Northern batteries at Newport News. Here she ran aground and was assailed by the *Merrimac*. The Southern ironclad was able to take up a position where her guns would bear, while the *Congress* could only use two of her thirty pieces, and those two were powerless against the *Merrimac's* armour. The combat was a hopeless one for the wooden vessel from the first, but it was bravely protracted for an hour, when, with the ship on fire in several places, the white flag was raised. This resistance, however, had served some purpose. The tide in the roads was beginning to ebb, and the water was shoaling fast, so that the *Merrimac* could not now get near the Northern vessels which still survived, and would otherwise have fallen to her guns. Leaving till next day the completion of the work of destruction, she steamed back to Norfolk, with no more serious injuries than the loss of her ram, the disablement of two guns, the springing of a slight leak, and some trivial damage to her armour. The

news of her victory and of the loss of two ships with 257 officers and men fell upon the North with the suddenness of a thunderbolt. At Washington it caused not unreasonable alarm, as it seemed likely that the *Merrimac* would attack the capital, though, as a matter of fact, her draught of water made it impossible for her to ascend the Potomac.

At daybreak on March 9 she started from Norfolk to renew the attack on the Northern fleet, and headed straight for the wooden *Minnesota*, which lay fast aground. The *Monitor* was moored beside the big ship, as her light draught enabled her to bid defiance to the shallows in the estuary. Worden's hour had come; he moved out instantly to the fight and interposed his little craft, one-fourth of the *Merrimac's* size, between her and the *Minnesota*. The *Merrimac* opened fire on her new antagonist, but this time the shells had no effect. The *Monitor* made no reply; she steamed up to the *Merrimac* till she was close to the Southern ironclad, and then discharged the two guns in her turret point-blank at the iron pent-house. The shots glanced off, yet they dealt a heavy blow. For some minutes the ships fought at close quarters, wreathed in smoke, pounding each other with no visible effect, though many small injuries were inflicted on both vessels. Then, eager to disable his enemy, and finding his guns of no avail, Worden determined to use the ram. He ran at the *Merrimac's* propeller but missed it by two feet and dealt his blow in the air. The ships grazed and, at this moment, the *Monitor* fired her guns once more, almost in contact with the enemy, crushing in the iron, but failing to penetrate. On this the *Merrimac* drew off and manœuvred to attack the *Minnesota*, which at least was vulnerable to shell. But in the attempt to approach the unarmoured ship the *Merrimac* ran aground and there remained some minutes. The *Monitor* failed to make use of this opportunity to disable her enemy; and the *Merrimac*, getting afloat once more, abandoned her attack on the wooden vessel, as the range was too great for effective fire, and turned on the little turret-ship.

In this last stage of the fight she attempted to run down the *Monitor*, and struck her a heavy blow, but did no serious damage. The *Monitor's* turret now ran short of ammunition, and Worden had to haul off to the shallows, where he was out of the reach of the *Merrimac*, to get up fresh powder and projectiles. This done, he closed once more; but the final bout was indecisive, though the *Monitor's* conning-tower was shattered by concentrated fire and Worden very severely wounded. The *Monitor* was now left without direction for some minutes; she withdrew to the shelter of the shallows, and, not without considerable delay, after the second officer had taken command, steamed back towards her foe. But the fight was already over; the *Merrimac's* captain was under the not unnatural impression that his enemy had retired from action, and not caring to venture in shoal water near the wooden ships, he withdrew to Norfolk. The combat was indecisive:

but the *Merrimac* had been prevented from achieving her purpose of destroying the wooden ships. It was on the whole judicious of the Northern officers not to risk unnecessarily the only ironclad which the North then possessed; and the *Merrimac* was not pursued. A month later she came out again, but this time the *Monitor* did not show any anxiety to fight, though a number of barges were carried off from her neighbourhood by the Confederate gunboats accompanying the Southern ironclad. This sally was the more dangerous in that it threatened the maritime communications of McClellan's army, which was then assembling at Fort Monroe. Perhaps it was the greatness of this danger that kept the *Monitor* back; and, as the commander of the *Merrimac* also had orders to run no risks, the two ships only watched each other. In May the Confederates were compelled to destroy their ironclad, as the army of McClellan was threatening Norfolk; and the *Monitor* did not survive her antagonist for many months. In December, 1862, she foundered off Hatteras, taking down with her part of her crew. But her work was done; and it is scarcely an exaggeration to say that she saved the Union by preventing the South from achieving a naval victory which would have resounded through the two hemispheres, would have effectually broken the blockade, if only for a time, and, perhaps, would even have secured intervention. The action is of historic importance as the first battle fought between armoured vessels, though seven years before, at Kinburn in the course of the Crimean War, armoured ships had been pitted against forts with striking success.

On January 31, 1863, an attempt was made by two small Confederate ironclads to break the blockade off Charleston, but no decisive success was gained, though two of the blockaders were much damaged. Armoured vessels were sent by the Northern government to co-operate in the blockade, with the result that the Southerners were not able thenceforth to do more than deliver torpedo attacks on the vessels watching the port. At Savannah, however, they built a really formidable armour-clad, the *Atlanta;* and two monitors had to be detached from Charleston to destroy her. The crew of the *Atlanta* was made up of untrained men, which may account for her indifferent performance. On June 17, 1863, she steamed out and was instantly attacked by the monitor *Weehawken*. This vessel fired but five rounds in fifteen minutes, and at the fifth the *Atlanta* hauled down her flag, having been struck by four shots, all of which had done great damage.

In April, 1864, the *Albemarle*, another ironclad of similar pattern to the *Atlanta*, was completed for service on the North Carolina Sounds, with the object of driving the Union gunboats from these waters, where they interfered with trade and penetrated to the very heart of the State. The town of Plymouth had been occupied by a Northern force; and it was one of the first objects of the *Albemarle*, when ready, to aid in a joint attack upon the garrison of this place. On April 19, with men

still at work upon her, she assailed the Northern gunboats off Plymouth, sank one, and drove the others off, when she was able to take the defences of the town in the rear, with the result that the place was recaptured. So dangerous did her presence in these waters become that it was decided to attempt her destruction with torpedoes, as no ironclads could be spared to attack her. Lieutenant Cushing was selected for the difficult and dangerous enterprise, and was placed in command of a small steam-launch, the precursor of the modern torpedo-boat. The torpedo carried was of the spar pattern, and was exploded by the primitive contrivance of pulling a lanyard. One unsuccessful attempt was made on the night of October 26, on which occasion the launch ran aground and so lost the cover of darkness. The following night Cushing ran up to Plymouth once more, and was so fortunate as to be able to approach close to the ironclad without being detected. She was lying moored to the shore; and it was Cushing's design not to use his torpedo unless compelled to do so, but if possible to rush her and carry her out to sea in the confusion of a surprise attack. This part of his plan was only defeated by the barking of a dog; he then drove his launch at the enemy, and, just as she opened fire, exploded his torpedo under her hull, blowing a large hole in her and sinking her. His own launch was disabled by the explosion, but he leapt into the water and swam down stream, regaining safety without a scratch. His loss was two killed and 19 men captured. This was one of the most brilliant and dashing exploits of the war.

The precursor of the modern submarine and the successor of Fulton's *Nautilus* is to be found in the peculiar variety of craft constructed by the Confederates during the war, and known as *Davids*. These were double-ended vessels, driven by steam, which lay flush with the surface of the water, showing only their funnel and hatches when in fighting trim. They carried a torpedo fixed upon a long spar. Their defect was that they were liable to be sunk by a heavy wave when their hatches were open; and to close the hatches meant dooming the crew to asphyxia. One of these vessels was built at New Orleans, but, so far as is known, was not employed in the defence of that place. Another was constructed at Charleston, and on October 5, 1863, attacked the Northern ironclad *New Ironsides*, exploding her torpedo against that ship's side, but without any result beyond shaking the ironclad severely. A subsequent attack delivered by the same boat on the *Wabash* was not more successful. Another and a different type of submarine was a small vessel constructed of boiler plates at Mobile. She was propelled with hand-power by eight men, revolving a screw, which gave her a speed of four knots. She had arrangements which enabled her to go below the surface for a few minutes. She was a most dangerous craft to those on board her, not only because of her tendency to dive unexpectedly, but also because, when below the surface, the men in charge of her could see

nothing. She sank suddenly when she was first tried at Mobile and drowned eight men. In 1864 she was recovered and moved to Charleston, and on her first trip there sank again, only one officer escaping from her. She was raised to sink once more, this time causing the death of six men. On her next trip she dived suddenly, and stuck in the mud of the bottom, when nine men perished on board her. But the Confederates still persevered; they raised her a fourth time and lost her a fifth time, on this occasion through the fouling of a cable. After so many disastrous experiences, General Beauregard, who was in command at Charleston, refused to allow her to be used further as a submarine, and insisted that she should only be employed on the surface. Running flush with the surface, she attacked the Northern steamer *Housatonic*, off Charleston, on the night of February 17, 1864, and succeeded in exploding a torpedo under that vessel. The warship sank in four minutes; but the torpedo craft perished with her adversary, whether as the result of the explosion or from becoming entangled in the wreckage of the *Housatonic* must remain uncertain, as she carried down her crew with her. When the war was over, divers found the boat lying on the bottom, with nine dead men in their places on board her. For heroism and devotion to their cause, it would be difficult in the long annals of war to find superiors to the successive crews who manned this fated vessel.

At the opening of the war the Confederate authorities recognised that the North was specially vulnerable in its commerce, and determined to attack in this quarter, with the object of diverting as large a part of the Northern navy as possible from the military operations on the Confederate coast. The vessels fit for this purpose were not to be had in the Confederacy, but they were obtained by purchase or construction in England, as at that date there was no clear ruling of international law on the question of supplying a combatant with ships, not actually armed but capable of being employed for military purposes. The United States, in the wars between England and France at the beginning of the nineteenth century, had rendered similar assistance to the French. Only one steam cruiser was procured in America, and she was purchased from a Southern firm of ship-owners at New Orleans. She ran the blockade and got to sea in June, 1861, and cruising under Commander Semmes made several prizes on the South American coast; but she was finally driven into Gibraltar early in 1862, where she was watched by three Northern ships. Eventually she was sold, as no further use could be made of her because of her defects and because of this vigilant blockade. The commerce-destroyers bought in England were the famous *Alabama*, and the less well-known *Florida*, *Georgia*, *Shenandoah*, and *Rappahannock*, of which the last never got to sea. The *Florida* cruised between 1862 and 1864, but was only moderately successful, taking 37 vessels, though her tenders accounted for 23. She was seized by a Northern warship,

in defiance of international law, while lying in the neutral port of Bahia; and, though orders were issued that she was to be returned to Brazil, she was sunk by her captors, it would appear deliberately, while at Hampton Roads.

The *Alabama*, under Captain Semmes, was the most successful of the commerce-destroyers, cruising for two years and making no less than 69 prizes. She visited in succession the Atlantic, north and south, the Indian Ocean, and the China Sea. Semmes' plan was to take up a position on one of the main trade-routes, and there remain two months, which time it took for the news of his exploits to reach the United States and for the vessels sent to capture him to draw near the spot. Then he moved on to a fresh cruising ground. Nearly all his prizes were made between the Azores and the easternmost point of South America. The *Alabama* coaled repeatedly in neutral ports; but it must be remembered that in 1863–4 there were no precedents to regulate this practice. Finally she entered the port of Cherbourg on June 11, 1864, standing in need of repairs and a refit. Within three days the Northern sloop of war *Kearsarge* appeared off the port, and was immediately challenged by Captain Semmes to fight. On June 19 the *Alabama* came out, steamed outside neutral waters, and engaged her antagonist. The issue was quickly decided. The *Alabama's* crew, owing to the difficulty of obtaining ammunition, had been compelled to husband their supply and had had but little target practice. The *Kearsarge* had had constant practice, and was besides slightly superior in weight of metal. The following is a comparison of the two ships:

	Guns	Broadside	Crew	Casualties
Kearsarge	7	366 lbs.	163	3
Alabama	8	305 „	150	40

In seventy minutes from the opening of fire, the *Alabama* lay a sinking wreck upon the surface of the water, and hoisted the white flag. A few minutes later she went down, carrying with her ten of her crew.

The career of the *Georgia* was unsuccessful, as in a year's cruising she only took nine prizes. Except under steam she was useless; and this militated against her success, for coal was not always easily procured by the cruisers. She was sold in 1864. The *Shenandoah*, towards the close of the war, proceeded to the whaling ground in the Northern Pacific, there made 36 prizes, and, returning to Europe after the Confederacy had fallen, was handed over to the British government. In all, the commerce-destroyers accounted for 261 Northern vessels, two being steamers. The consequences of these depredations upon the shipping of the North were marked. Many Northern vessels were sold by their owners to neutrals; and the terror inspired by the Confederate cruisers is shown by the fact that these sales, which in 1860, before the war, had amounted to 17,418 tons, rose in 1861 to 26,649 tons; in

1862 to 117,756 tons; in 1863 to 222,199 tons; in 1864 to 300,865 tons; and in the first half of 1865 to 133,832 tons. The tonnage of the American deep-sea merchant fleet diminished from 2,496,894 tons in 1861 to 1,387,756 in 1866. The pressure of heavy insurance rates, and the impossibility of obtaining cargo when its delivery was a matter of complete uncertainty, led to this decline. Of the ships which remained on the American register the greater number were laid up in home or neutral ports. Moreover, this trade, once lost, was not recovered; the destruction of the American shipping industry was one of the most permanent effects of the war. For her remissness in permitting the sailing or coaling of the commerce-destroyers Great Britain subsequently paid the sum of £3,100,000 to the United States; and, though this amount much more than covered the direct losses, it gave no compensation for the enormous indirect loss which the warfare against commerce had inflicted.

The Confederate cruisers were vessels of a type now obsolete, relying mainly upon sails, but with auxiliary steam-power, and had, as we have seen, to deal mainly with sailing ships. They proved extremely difficult to catch, and were almost always able to elude the Northern warships. But with no Confederate ports and coaling stations abroad the Confederate cruisers were bound to be driven, sooner or later, into neutral harbours for want of coal; and then they could only depend on the good-will of neutrals, which was wanting so soon as fortune turned against the Confederacy on land. The measures taken by the Northern government to deal with the commerce-destroyers were defective; yet, as the North was in no sense dependent upon foreign commerce, the government was probably right in refusing to weaken the blockade of the Southern coast by detaching warships to prevent the destruction of commerce.

The main lesson of the war is the importance of preparation and organisation. This was not, it has been justly said, a naval war, as the South did not possess a navy. "There were three or four cruisers at sea, some of which were captured or destroyed after having obliterated Northern commerce, and one of which at least was never captured. There was an extemporised fleet here and there, made up of anything that came to hand." There was a want of skilled direction and unity of control in the actual operations on the part of the North; and, though a fleet was at last created by the Federal government, it was only after great delay and enormous and unnecessary waste of money. For their want of forethought the Northern people had to pay a terrible price both in blood and money; and, if they had had to deal with an adversary better equipped with engineering resources, or if that adversary had been able to obtain the help of a European navy, the Confederacy would probably have survived the conflict.

CHAPTER XVIII

THE NORTH DURING THE WAR

(1) Finance

While following the development of the Civil War through the fluctuations of military campaigns, the reader should also note some of the more important events of civil administration. It was an anomalous state of affairs that, prior to the beginning of President Lincoln's term of office, while the public debt was less than $70,000,000, with the business of the country in normal activity, and money abundant in private banks, the national treasury was absolutely empty; and that small government six per cent. loans were with difficulty negotiated at from ten to twelve per cent. discount. The Secessionist movement was of course largely responsible for this depreciation, for upon Lincoln's announcement that he would maintain the Union, Salmon P. Chase, the new Secretary of the Treasury, borrowed his first three millions at 94, and a few days later five millions at par. But the actual outbreak of hostilities and the Act of the special session of 1861, authorising a loan of $250,000,000, revolutionised the whole financial position. The contrast with what had hitherto existed was almost bewildering. Fortunately the patriotism of the country was by this time fully roused, and the people of the loyal States had reached a determination to make whatever sacrifices were necessary in men and in money to maintain the government and put down rebellion. Congress cheerfully imposed heavy additional taxes, and made ample appropriations for the military service; and Secretary Chase exhibited both great ability and courage in his financial management. For a while, public opinion was sustained by the hope that the war would be short; and before this hope was destroyed by the heavy reverses in McClellan's campaign against Richmond, the people of the North, quick both in perception and intuition, had already begun to take an enlarged view of the great crisis and its needs, and steeled their nerves to the acceptance of financial burdens which a year earlier they would have looked upon as irretrievable ruin.

At the beginning of December, 1861, Secretary Chase had by various forms of loan borrowed $197,000,000, and felt obliged to report that the public debt had reached three hundred millions, and would at the end of the next fiscal year exceed five hundred millions, as the government was then spending about two millions each day. The banks had exhausted their resources; $150,000,000 of gold had passed from them to the government, and from the government in disbursements to the people. In such a contingency, heroic measures were necessary, and a resort to paper-money became imperative. On December 27, 1861, both the banks and the government by agreement suspended specie payments; and on February 25, 1862, the President signed an Act passed by Congress making non-interest-bearing Treasury notes a legal tender for all debts except duties on imports, and in satisfaction of all claims against the government except for interest upon the public debt, both these exceptions remaining payable in coin.

Both Congress and the Administration adopted the system with the greatest reluctance as a war measure; and only $150,000,000 in paper were at first issued. But as the needs of the Treasury increased day by day, and as fluctuations occurred in other forms of loans, the legal tender quality was, during the war, authorised to be applied to various other issues to an aggregate of $1,250,000,000, two-thirds of which was in Treasury notes, bearing interest at six and at seven and three-tenths per cent. This authority was, however, used with such discretion that the highest issue of non-interest-bearing legal tenders at any one time never exceeded $500,000,000. The same Act which authorised the issue of these "green-backs," as they were popularly called on account of their colour, also provided for funding them by the issue of United States six per cent. bonds, payable in coin, and redeemable at the pleasure of the government after five and payable twenty years from date, which received the general designation of "five-twenties." These bonds became very popular, because they replaced non-interest-bearing green-backs with coin-interest-bearing six per cents. The favour with which they had been received led Secretary Chase into the experiment of issuing "ten-forty" bonds at five per cent. interest, which signally failed; but the failure was ascribed by him to other causes than the reduction of interest.

The Treasury Department also availed itself of various other forms of loans. When in December, 1861, specie payment was suspended, the needs of local daily traffic became such that in addition to a general use of postage stamps, the country was in a few weeks covered with a flood of paper small change issued by corporations, banks, merchants, and trades-people of all sorts, down to butchers' and milk-vendors' tickets. To drive out these "shin-plasters," Congress authorised the issue of a fractional currency ranging in denominations of from five to fifty cents, which went immediately into general circulation. Under

the varying needs of the Treasury, Congress also authorised the use of the public credit in the form of temporary loan deposits, at five per cent. interest, payable after ten days' notice; certificates of indebtedness at six per cent. interest to public creditors; several kinds of Treasury notes with interest at from five to seven and three-tenths per cent.; coin certificates for deposits of gold and bullion; and compound interest notes. On January 1, 1866, in which year the end of the insurrection was officially proclaimed, the public debt of the United States had risen to $2,773,000,000.

This seemingly unlimited borrowing, the competition created by the endless government purchases, and especially the substitution of legal tender paper for coin, was succeeded by a great inflation of prices; and gold became a favourite commodity for speculation. The fluctuations of premium in legal tender paper on that metal ran from par to 5 during January, 1862; from 34 to 60¾ during January, 1863; from 51½ to 60 during January, 1864; from 97½ to 134½ during January, 1865; and closed at from 44 to 60 during April of that year, which month brought the war practically to an end. Meanwhile, between these dates it underwent all sorts of eccentric ups and downs, sometimes under the influence of military, commercial, or political news, and sometimes for no apparent reason of any kind.

Two direct efforts were made by the government to control this gambling in gold, which had an injurious effect upon both business and finance. Under authority given him by Congress in March, 1864, Secretary Chase went to New York in person on April 13, and during five successive days sold about $11,000,000 of surplus gold on hand in the Treasury, bringing down the premium from 89 on the 14th to 65½ on the 19th. But the remedy proved very transient. Within a week after the sales were stopped the premium was again almost as high as at their beginning. A new expedient was tried by the passage, on June 17, of an Act of Congress prohibiting gold contracts of various kinds under a penalty of fine and imprisonment. This device proved not only ineffectual but disastrous. The Act was authoritatively notified to the Stock Exchange on June 21; and gold, opening that day at 100 premium, had risen by the 30th to 150, in defiance of the threatened penalties. The announcement that Secretary Chase had finally resigned sent the premium spasmodically up to 180.

News that Senator William P. Fessenden was on July 1 appointed his successor quickly brought down the premium to 155, and on July 2 it closed at 139. By that time Congress had become convinced of the evil results of the law, and hastily passed a repealing Act, which was approved by the President on the same day; but the public fever could not be instantly stilled. Spasmodic fluctuations again set in, and on July 11 the premium had risen to 185, which was the highest figure reached during the war. From the end of the war onward, though

fluctuations continued, there ensued a gradual diminution of such premium; but it did not entirely disappear until the resumption of specie payment by the government on January 1, 1879.

Among other financial expedients adopted by the government, one of by no means the least importance was an entire change in the banking system of the United States. In the year 1862 there were in the loyal States about 1400 banks of issue, generally organised under the laws of the different States. They were without any national supervision; there was no authoritative source of information as to their soundness; there was no general security for their circulation. The system was subject to the grave evil of almost limitless counterfeiting, the 7000 various kinds of genuine bills being accompanied by about 5000 kinds of altered, imitated, or spurious notes. Secretary Chase, in his first annual report of December, 1861, proposed to replace these by a system of national banks, having for their principal features (1) a circulation of notes bearing a common impression and authenticated by a common authority; (2) the redemption of these notes by the associations and institutions to which they might be delivered; and (3) the security of that redemption by the pledge of United States stocks and an adequate provision of specie.

The scheme found little favour when first proposed. It was generally opposed by the State banks, and only two prominent financiers at first gave it their hearty approval. But little by little the plan made converts. In his second annual report of December, 1862, Secretary Chase again urged it upon Congress, and after exhaustive debates it was embodied in a carefully drawn law, approved by the President, February 25, 1863. Under its provisions, banks depositing United States interest-bearing bonds in the Treasury might receive circulating notes, printed, registered, and countersigned by the Treasury Department, equal to 90 per cent. of the current value of the bonds deposited, which notes were made receivable in payment of all dues to the United States except duties on imports, and payable in satisfaction of all demands against the United States except interest on the public debt. A new office was created, that of Comptroller of the Currency, one of whose duties was to examine and regulate the condition of national banks, and enforce the redemption of their circulation through the sale of their deposited bonds. The details of the system were greatly elaborated by an amendment to the Act approved June 3, 1864. A still more important and, it may be said, decisive amendment was approved on March 3, 1865, which, under the constitutional power of Congress to regulate commerce and the value of coin, laid a tax of 10 per cent. on the amount of the notes of any State bank, or State banking association paid out by them after the first day of July, 1866. This tax compelled the retirement of all State bank circulation; and State institutions generally transformed themselves into National Banks. In

1866 the Comptroller was able to report that the national bank system had superseded all the State systems, and that the entire control of the currency of the country was in the hands of the Federal government. Secretary Chase's original idea of establishing "one sound uniform circulation of equal value throughout the country, upon the foundation of national credit, combined with private capital," was thus completely realised. Put in operation and perfected very gradually, it had but little direct effect upon the finances of the war; but the change of systems was thereby rendered much more easy, and created no appreciable derangement of the currency.

(2) Recruiting

Such had been the patriotic resolve of the loyal States to put down the rebellion, that within one year after the opening of hostilities considerably over half a million volunteers for three years' service were enlisted in the Unionist armies. Under this initial impulse, volunteering was still in active progress throughout the North, when on April 3, 1862, Secretary of War Stanton, becoming impressed with the belief that the armies were large enough to end the war, issued a sweeping order to stop recruiting in all the States. There had been during a few preceding weeks a brilliant succession of Unionist victories, and still more important ones occurred during the few weeks that followed. But in May the tide of success began to turn, and the unwisdom of Stanton's order quickly became apparent. A resumption of enlistments was ordered early in June; but, as the recruiting offices had been closed for two months, the efforts of popular leaders had ceased, and patriotic enthusiasm had been damped to such a degree that, for a while, it only feebly responded to the renewed efforts of the authorities. The total failure of McClellan's Richmond campaign and the second battle of Bull Run greatly deepened public despondency.

Under this accumulation of discouragements, the need of speedy reinforcements became so great that resort to a more temporary expedient seemed necessary; and an order of the President called upon the governors of the loyal States for a draft of 300,000 men from their State militia to serve for a term of nine months. This system of drafting proved, however, totally ineffective; and, while the drain on the army during the summer was substantially made up through the greatly increased efforts of the governors to fill the quota of 300,000 three years' volunteers, which they had tendered the President on July 1, it became evident that a more regular and general system of recruiting must be adopted. Accordingly, on March 3, 1863, Congress passed a general conscription law, requiring all citizens between the ages of 20 and 45 to be enrolled in military service and called out by draft, as the exigencies

of the war might require. Instead of relying upon the governors and State authorities, as had been the case under the volunteer system, and the temporary militia draft, the law provided that it should be enforced by the direct agency of the general government through a provost-marshal-general and a local provost-marshal in each Congressional district, aided also by a local board of enrolment.

The passage of this law through Congress was attended by hot and acrimonious discussion, the Republicans supporting and the Democrats opposing the measure. Since the Democratic members denounced the law in Congressional debates as being unconstitutional and despotic, the Democratic voters in the loyal States, following the lead of their representatives, generally placed themselves in an attitude of hostility towards enforcement. This opposition subsequently gave the government officials not only great annoyance but serious trouble, and caused a three days' riot in the city of New York, beginning on July 11, 1863, in which $2,000,000 worth of property was destroyed and from 600 to 1000 persons, it was estimated, were killed and wounded. Slight disturbances occurred in several other cities; and in a very few instances provost-marshals or their deputies were assassinated in country districts. On the whole however the law was firmly and justly enforced, though frequently mitigated in its stringency by the fact that active volunteering was carried on concurrently and greatly promoted by high bounties paid to volunteer recruits, through which local districts furnishing their required quota of men were enabled to avoid the draft.

Out of this opposition to the draft-law grew an incident of national interest. Clement L. Vallandigham, a Democratic member of Congress from Ohio, carried his denunciation of the measure to such an extreme in speeches before his constituents, that General Burnside, at that time in command of the military department in which the State was included, had him arrested on May 1. Placed on trial before a military commission, Vallandigham was convicted of having violated Order No. 38 by "declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the government in its efforts to suppress an unlawful rebellion," and was sentenced to military confinement during the continuance of the war. An application for a writ of *habeas corpus* was denied by Judge Leavitt of the United States Circuit Court, on the ground that the President, under whose military authority, as Commander-in-Chief of the Army and Navy, General Burnside acted, is his own sole judge of the power with which the Constitution invests him, and is amenable for an abuse of his authority by impeachment only.

President Lincoln's judgment was always against arbitrary military measures; but he felt that it would be imprudent to annul the action of the general and the military tribunal. Conformably, however, to a paragraph in Burnside's Order No. 38, he modified the sentence by sending the prisoner south beyond the Federal military lines, on May 25.

Assuming the attitude of a Confederate prisoner of war, Vallandigham went to Richmond, where he held a conference with the Confederate authorities, and about a month afterwards made his way from Wilmington to Bermuda on a blockade-runner, and from there to Canada, whence he issued an address to the people of Ohio. Meanwhile the Democratic Convention of that State had met at Columbus on June 11, and, by way of party protest, unanimously nominated Vallandigham as their candidate for the governorship of Ohio.

The arrest, trial, banishment, and nomination created a profound sensation throughout the country, and became a subject of legal and political discussion that for the time being almost excluded other topics. The resolutions of the Ohio Democratic State Convention were presented to the President by a large committee of Vallandigham's supporters, together with an address arguing the questions involved, with all the heat and earnestness the incident engendered. A similar address and resolutions had already been brought to the President by an influential committee of New York Democrats representing a meeting held at Albany. Lincoln made written replies to both committees setting forth with clearness and logic the differing views that animated the two parties to the controversy. Only so much of his replies need be quoted here as gives the substance of his interpretation of the Constitution on the power of the President to suspend the writ of *habeas corpus*, "when in cases of rebellion or invasion the public safety may require it."

"You ask in substance, whether I really claim that I may override all the guaranteed rights of individuals on the plea of conserving the public safety — when I may choose to say the public safety requires it. This question, divested of the phraseology calculated to represent me as struggling for an arbitrary personal prerogative, is either simply a question who shall decide, or an affirmation that nobody shall decide, what the public safety does require in cases of rebellion or invasion. The Constitution contemplates the question as likely to occur for decision, but it does not expressly declare who is to decide it. By necessary implication, when rebellion or invasion comes, the decision is to be made, from time to time; and I think the man whom, for the time, the people have, under the Constitution, made the Commander-in-Chief of their army and navy is the man who holds the power, and bears the responsibility of making it. If he uses the power justly, the same people will probably justify him; if he abuses it, he is in their hands to be dealt with by all the modes they have reserved to themselves in the Constitution."

Of far greater popular effect, however, than this convincing legal analysis, was the sympathetic question which the President asked in his reply to the Albany committee, "Must I shoot a simple-minded soldier-boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert?" That pointed query touched the heart of

every parent who had a son in the Federal army, while it also described with precision the character of Vallandigham, who had rendered himself conspicuous as a "wily agitator" in behalf of the South and its action ever since, and even before, the presidential election which furnished the pretext for secession. The people of the State of Ohio returned an emphatic answer at the October election of 1863, in which Vallandigham was defeated for the governorship by a majority of 101,000 votes, 39,000 of which were cast by Ohio soldiers in the field.

In sustaining General Burnside's arrest of Vallandigham, President Lincoln had acted not only within his constitutional, but also strictly within his statutory, authority. The question of his right to suspend the privilege of the writ of *habeas corpus* came up immediately at the beginning of the Secession, at which time he authorised General Scott and other military officers to order the suspension within specified limits when it might become necessary. Chief Justice Taney of the Supreme Court of the United States questioned his right, and, in the case of *ex parte* Merryman, filed an opinion denying it. By a law passed on March 3, 1863, after considerable discussion, Congress legalised all orders of this character made by the President at any time during the present rebellion, and accorded him full indemnity for all searches, seizures, arrests, or imprisonments made under his orders. The Act further provided "that during the present rebellion, the President of the United States, whenever in his judgment the public safety may require it, is authorised to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or any part thereof." Under authority of this Act, the President, by proclamation of September 15, 1863, formally suspended the writ throughout the United States in cases relating to prisoners of war, spies, aiders or abettors of the enemy, and deserters, and other cases relating to the military service. Though the terms of the proclamation were general and comprehensive, the chief object for which it was issued was to prevent continued appeals to the civil courts for process to be utilised in hindering or delaying the prompt execution of the Draft Law. While much public clamour occurred from warm Southern sympathisers and over-zealous Democratic partisans, the arbitrary power of the President was used so seldom and with such circumspection both before and after the formal suspension that neither oppression nor noteworthy public protest arose under it.

(3) Negotiation and intrigue

Under date of December 15, 1862, Secretary of State Seward wrote in one of his despatches: "the political atmosphere begins to exhibit phenomena indicative of a weariness of the war, and a desire for peace on both sides." It was a period of uncertainty and inaction; to each of

the contending parties the prospect of decisive victory seemed distant, and the final issue of the war involved in great doubt. For the moment, public opinion permitted a freer expression of the hope always latent in many minds that the burdens and sacrifices of war might be removed; and the expression manifested itself in the speeches of individuals, the editorials of newspapers, and the resolutions of meetings, and occasionally even in the debates and proceedings of both the Federal and Confederate Congresses. As yet, however, such manifestations were feeble and sporadic in comparison with the great mass of public sentiment both North and South; and it is worthy of mention here only to show the manner in which it was dealt with by President Lincoln. A prominent but somewhat eccentric member of the Democratic party, Fernando Wood, a representative in Congress, wrote to the President that he had "reliable and truthful authority" to say that the Southern States would send representatives to the next Congress, provided that a full and general amnesty should permit them to do so. He asked further that he might be allowed to hold unofficial correspondence with Southern leaders on the subject, such correspondence to be submitted to the President. Lincoln replied to him under date of December 12, that he strongly suspected that his information would prove groundless, but that, if "the people of the Southern States would cease resistance, and would re-inaugurate, submit to, and maintain the national authority within the limits of such States under the Constitution of the United States, the war would cease; and that, if within a reasonable time 'a full and general amnesty' were necessary to such end, it would not be withheld. I do not think it would be proper now for me to communicate this formally or informally to the people of the Southern States . . . nor do I think it proper now to suspend military operations to try any experiment of negotiation." Nothing more was heard from Wood's "reliable and truthful authority."

In June, 1863, Alexander H. Stephens, the Confederate Vice-president, became impressed with the belief that existing military and political conditions might enable him as a former intimate personal friend of Lincoln to accomplish something in the way of opening peace negotiations; and Jefferson Davis authorised him to propose a conference about an exchange of prisoners. Stephens applied to Admiral Lee at Fortress Monroe for permission to proceed to Washington in his own steamer in order to deliver a written communication to the President. When Lincoln received the despatch in which Admiral Lee forwarded the request, he himself drafted an answer to be sent by the Secretary of the Navy refusing the permission, and explaining that military communications would be readily received through the well-understood military channels; adding also, "of course nothing else will be received by the President, when offered as in this case in terms assuming the independence of the so-called Confederate States;

and anything will be received and carefully considered by him when offered by any influential person or persons in terms not assuming the independence of the so-called Confederate States."

Several other incidents of this nature occurred in the summer of 1864. In July of that year an adventurer named Jewett so worked upon the confidence of Horace Greeley, editor of the *New York Tribune*, as to induce him to believe that there were certain Confederate agents in Canada "with full and complete powers for a peace"; and Greeley in a credulous and pleading letter urged the President to invite "those now at Niagara to exhibit their credentials and submit their ultimatum." While Lincoln utterly disbelieved the good faith or authority of the pretended emissaries, he felt it necessary to convince Greeley, and immediately answered him on July 9: "If you can find any person, anywhere, professing to have any proposition of Jefferson Davis in writing, for peace, embracing the restoration of the Union, and abandonment of slavery, whatever else it embraces, say to him he may come to me with you, and that if he really brings such proposition he shall at least have safe-conduct with the paper (and without publicity, if he chooses) to the point where you shall have met him. The same if there be two or more persons."

Greeley interposed certain trivial objections to taking part himself; but the President again telegraphed and wrote to him emphatically: "I was not expecting you to send me a letter, but to bring me a man, or men. . . . I not only intend a sincere effort for peace, but I intend that you shall be a personal witness that it is made." Finally to leave no room for equivocation or delay, he sent Major John Hay with the following paper in his own handwriting, which Major Hay delivered into the hand of one of the Confederate emissaries on the Canada side of Niagara Falls.

"EXECUTIVE MANSION,
"WASHINGTON, *July* 18, 1864.

"To whom it may concern: Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the Executive Government of the United States, and will be met by liberal terms on other substantial and collateral points; and the bearer or bearers thereof shall have safe-conduct both ways.

"ABRAHAM LINCOLN."

If the Confederate agents did not devise, they at least countenanced, the imposture by which the adventurer Jewett drew Greeley, and sought to draw the President, into a negotiation which on their part was all pretence. They were compelled to admit that they possessed no powers, and could only allege that they were acquainted with the views of their government. With this avowal of course all negotiation was summarily ended. Mr Greeley left Niagara abruptly; and the

President's memorandum effectively counteracted the advantage they had hoped to gain through the influence of their intrigue upon politics and diplomacy.

The particulars of this Niagara intrigue were fully published in the newspapers, and acquainted the public with the exact terms on which Lincoln would consent to peace with the insurrectionary States. Even while it was in progress, another unauthorised embassy obtained from Jefferson Davis the equally precise terms upon which alone he as the head of the Confederate government was willing to agree to the cessation of war. Colonel Jaquess, formerly a Methodist preacher, now commanding an Illinois regiment in the West, was a man of somewhat morbid religious enthusiasm, who believed that through his affiliations with the Methodist Church in the South he could gain the ear, and work upon the patriotic sympathies, of his fellow-Methodists in the Confederacy, and persuade them of the hopelessness of their enterprise. In the summer of 1863, General Rosecrans recommended him to President Lincoln as a sincere, if infatuated, apostle, who was at least willing to risk his life in his self-appointed mission. The President directed that General Rosecrans might give him an indefinite furlough, but upon the clear and imperative condition that he should go without any government authority whatever. A brief excursion into the Confederate lines in 1863 was without result; but, nothing daunted, Jaquess renewed his experiment in 1864, in company with a literary friend of his named Gilmore. Proceeding from Fortress Monroe by the route over which the exchanges of prisoners were carried on, the two amateur envoys were so fortunate as to make their way with comparatively little difficulty to Richmond, where they passed the night of July 16, 1864, under close surveillance at the Spottswood Hotel. Next morning, Sunday, July 17, they asked for an interview with President Davis, as private citizens having no official character or authority. After they had been thoroughly cross-questioned by the Confederate Secretary of State Benjamin, he arranged the desired interview for them; and on the same evening they were admitted to a two hours' conference with the Confederate President and Secretary of State. To the entirely unauthorised as well as utterly impracticable suggestions which they advanced as a method of adjustment, they received the distinct reply from President Davis "that the separation of the States was an accomplished fact; that he had no authority to receive proposals for negotiations except by virtue of his office as President of an independent Confederacy; and on this basis alone must proposals be made to him."

While the clamour for peace exercised of itself but little political influence, it counted for something as an addition to the stock of accusations against the administration of President Lincoln, of which the Democratic party made unceasing use in its attempt to retrieve its fallen fortunes at the approaching presidential election. Their

orators and newspapers declared that, by the terms of the memorandum which he sent to Niagara, the President was rejecting offers of peace in order to force the abolition of slavery through a continuation of the war. This allegation, joined to criticism of the conduct of the war, opposition to the emancipation policy, denunciations of the Draft Law, outcry against the arrest of Vallandigham, and the suspension of the writ of *habeas corpus*, constituted a somewhat formidable array of campaign arguments that were employed with an unusual bitterness of tone and violence of speech. The earnest championship with which the Democrats of Ohio had devoted themselves to the cause of Vallandigham was, however, repaid by that inveterate partisan with a most serious injury to the prospects and chances of his political friends. In June, 1864, he returned from Canada to the United States in defiance of the order of banishment against him, and once more began to make speeches full of ill-concealed treason against the government. The authorities took no measures against him, except to direct that he should be closely watched, rightly judging that his intemperate zeal would do the Administration more good than harm. When, at the end of August, 1864, the National Convention of the Democratic party met at Chicago, the prominence which the Ohio leaders had given Vallandigham secured him the position of chairman of the Committee on Resolutions. Against the protest of the cooler heads in the committee he succeeded in embodying in the platform a resolution, "That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States."

In view of the inflexible demand for independence, constantly maintained and so recently reiterated with emphasis by Jefferson Davis, this resolution meant nothing less than a surrender of the contest, and an acceptance of disunion. The convention immediately thereafter nominated General McClellan as the Democratic candidate for President. The general saw clearly enough that the platform upon which he was called to stand was fatal to his chances, and he framed his letter of acceptance in language substantially repudiating the Vallandigham declaration. His disavowal however had little effect. From that time, aided by Sherman's capture of Atlanta, the Republican party was able to maintain a vigorous aggressive ; and the Democratic platform and candidate met signal defeat at the election of November 8, 1864. The resentment of soldiers in the field, communicated in letters to their homes, and the actual ballots cast by them, under the laws of various States, against the ignominious surrender proposed by the

Vallandigham resolution, formed an important and striking feature of the presidential contest.

Since the general question of peace and reunion had received so much public discussion and comment during the summer, and especially during the political campaign of the autumn months, at the end of which Lincoln was re-elected President, he restated the problem and its conditions with his usual masterly brevity and clearness in his annual message addressed to Congress on December 6, 1864. "The public purpose to re-establish and maintain the national authority is unchanged, and, as we believe, unchangeable. The manner of continuing the effort remains to choose. On careful consideration of all the evidence accessible, it seems to me that no attempt at negotiation with the insurgent leader could result in any good. He would accept nothing short of severence of the Union — precisely what we will not, and cannot, give. His declarations to this effect are explicit and oft-repeated. He does not attempt to deceive us. He affords us no excuse to deceive ourselves. He cannot voluntarily re-accept the Union; we cannot voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war, and decided by victory. If we yield, we are beaten; if the Southern people fail him, he is beaten. Either way, it would be the victory and defeat following war. What is true, however, of him who heads the insurgent cause is not necessarily true of those who follow. Although he cannot re-accept the Union, they can. Some of them, we know, already desire peace and reunion. The number of such may increase. They can, at any moment, have peace simply by laying down their arms, and submitting to the national authority under the Constitution."

(4) Abolition and compensation

Secession and rebellion, devised and begun by the Southern leaders to extend and perpetuate slavery, proved the most powerful agency for its swift destruction. When Abraham Lincoln first took the presidential oath, he had no thought that he was destined to give "the institution" its death-blow. His Inaugural repeated his many previous declarations that he "had no purpose directly or indirectly to interfere with the institution of slavery in the States where it exists"; and, in addition, he expressed his willingness to accept an amendment to the Constitution which Congress had passed, to the effect that the Federal government should never interfere with the domestic institutions of the States, including that of persons held to service. When, however, the States by secession renounced all constitutional obligations, and when by rebellion slavery invited battle and reprisal, the "institution" naturally became exposed to all the chances and accidents of war; and from the beginning every military measure and movement demonstrated its fatal vulnerability.

Jefferson Davis, in his book, "The Rise and Fall of the Confederate Government," has asserted that the South did not fight for slavery but for equality. The whole mass of Secessionist literature, speeches, proclamations, legislative resolutions and Acts, show this statement to be an error, which is also demonstrated by the famous speech of Alexander H. Stephens, the Confederate Vice-president, in which he declared slavery to be the corner-stone of the new government.

Public opinion in the Free States, realising that slavery had caused the war, readily indulged the hope that the war might destroy it. In the border Slave States however, where loyalty predominated, it was a difficult choice that the loyal slave-owner had to make between the duty of supporting the Constitution, and the danger of sacrificing his property, alienating his friends, and uprooting the prejudices of a lifetime. It was this grave alternative which caused the long political struggle in the interior Slave States, among which Virginia, North Carolina, Tennessee, and Arkansas joined the Confederacy, while Maryland, West Virginia, Kentucky, and Missouri adhered to the Union.

The question, however, did not take this extreme form at the beginning. At the special session of Congress which met on July 4, 1861, the Republican members, being left by the war in a majority in both branches, passed, with only four dissenting votes in each House, the Crittenden resolution, which declared that the war was not waged to overthrow or interfere with rights or established institutions of Southern States. While this declaration satisfied political theory, it was quickly found to be incapable of solving questions of practical military administration. No sooner were camps established and movements begun, than the Unionist commanders, without pausing to consider slavery as an institution, found it necessary to deal with two classes of slaves as individuals — slaves whom Secessionist masters left behind in their flight, and slaves of either Secessionist or loyal masters who sought refuge as fugitives, and whom Federal soldiers and officers willingly received to serve them in Federal camps.

In regard to the first class of cases, General Butler, commanding at Fortress Monroe, found a ready and acceptable course of action. Application was made to him to give up, under the provisions of the Fugitive Slave Law, three negroes who had taken refuge in his camp. General Butler responded that since Virginia claimed to be a foreign country, the Fugitive Slave Law could not possibly be in operation there. He therefore declined to give them up, unless their master would come to the fort and take the oath of allegiance; which, as a Secessionist, the owner did not venture to do. A still more pertinent reply is credited to the general in the same interview. Everywhere in the South, Confederate commanders made sweeping impressments of negro slaves to dig trenches and build earthworks; and, citing this practice, Butler declared them to be properly contraband of war. The judicial equity

of the decision and the pertinency of the retort were highly appreciated by public opinion; and, from that time till the end of the war, the term "contraband" became the popular designation of every negro in military lines.

The question was early brought to the official attention of the government. The Virginia Peninsula was strongly Secessionist; and a speedy abandonment of neighbouring plantations followed the gathering of Federal troops at Fortress Monroe. In the confusion of flight many slaves, dreading to be sold to the extreme South, managed to escape to the fort, not alone as individuals, but often coming by whole families; and, a month later, General Butler had under his care 900 negroes, 300 of whom were able-bodied men, the rest being old men, women, and children. In his report to the Secretary of War the general set forth the complications involved in the novel problem. What should be done with these slaves, and what was their legal status? Were they property or men, women, and children? Were they *flotsam* and *jetsam?* Could the United States own slave property? Was a slave whose master ran away a fugitive? Might troops harbour negro children, or must they leave them to starve when they had destroyed all means of subsistence, or driven off the rebel masters? Should commanders of regiments or battalions decide whether a black man fled from his master or the master from him? How were the free-born to be distinguished?

Before the War Department answered these inquiries, a law of Congress, passed at the special session, confiscated the proprietary rights of slave-owners in such of their slaves as they permitted or required to be employed in aid of rebellion or in hostile service; and thereupon the Secretary of War laid down the following general rules. 1. In States wholly or partly in insurrection, rights to slave property and service must be subject to military necessity. 2. Military authorities must obey the Confiscation Act. 3. Claims to such service cannot safely be decided by military authority. The general was therefore directed to employ fugitive slaves in necessary labour, trusting that, on the return of peace, Congress would compensate loyal masters.

As the war continued, many larger aggregations of fugitive slaves came under the care and protection of the Union armies. When the navy captured Port Royal harbour, and an adjoining sea front thirty miles in extent, comprising the famous Sea Island Cotton region of South Carolina, nearly ten thousand slaves, whom the flight of the great cotton planters left destitute, came into the Federal lines. Military and official organisation provided them with food, shelter, and government through the whole of the war, employing those capable of labour in gathering the old and raising new cotton crops, while private charity and volunteer teachers from Northern cities supplied an element of social control, religious leadership, and free primary instruction.

The rules for dealing with masses of fugitive slaves in disloyal districts

could not, however, be applied to the individual cases of runaways from loyal masters in the loyal border States; and these instances also became quite common. The negroes had an irrepressible longing for the freedom, the variety, the adventure of camp life, while soldiers and officers appreciated not only the personal service they were able to render as servants, cooks, and teamsters, but more especially the useful information about local topography and sentiment, loyal or disloyal, which they were able to impart or obtain. From first to last there was and remained between the Federal soldier and the "contraband" a bond of mutual sympathy and help; and, as a rule, the protection which the former gave the escaping slave in his camp was amply repaid by the information, concealment, and guidance which the latter afforded the escaping Unionist prisoner, or the Federal commander in march and battle. When the loyal Marylander, Kentuckian, or Missourian, who was supporting the government, asked that his slave should be returned to him, it was impossible to deny his equitable right. The rule laid down by the War Department therefore was that, in loyal States, claims to fugitives must be prosecuted through ordinary judicial proceedings, and be respected alike by military and civil authorities. Here again, however, the law of military necessity generally baffled the claimant. The Fugitive Slave Law was difficult of execution under the most favourable conditions of peace. Under even preliminary conditions of war it soon became practically obsolete. The treatment of each case had necessarily to be left to the judgment of each military commander. While Butler therefore, at Fortress Monroe, was virtually freeing coloured fugitives, Dix at Baltimore was declaring that "we have nothing to do with slaves. We are neither negro-stealers nor negro-catchers." Sherman and Buell in Kentucky issued substantially the same orders as Dix, and Halleck in Missouri employed nearly the same language; while subordinate commanders at the multitude of small posts and camps found all sorts of pretexts to evade general orders according to their individual sentiments or wishes. At the very beginning of the war, President Lincoln was much perplexed by the numerous complaints on this score, brought to his notice by members of Congress from the loyal Slave States. These however came to a sudden end after the first defeat at Bull Run. In the excitement and consternation which that seemingly overwhelming disaster created, small annoyances were lost sight of. The escape of a Maryland negro from his master became too trifling a circumstance to be noted in comparison with the possible danger to the capital or fate of the government; and military emergency and necessity were accepted by public opinion as the dominating rule with a better grace than before.

It was not long before President Lincoln was called upon to deal with the question of slavery in its larger aspects and relations. Greatly to his surprise and dissatisfaction, General Frémont, commanding the Department of the West, issued a proclamation on August 30, 1861,

establishing martial law throughout the State of Missouri, and containing the radical provision that the property, real and personal, of Missouri rebels was "confiscated to the public use . . . and their slaves, if any they have, are hereby declared free men." He also organised a military commission to hear evidence and issue personal deeds of manumission to such slaves. The language of the proclamation and the general's subsequent explanations assigned rather confused reasons for the step, and gave it the character of merely a local police regulation. Indeed the circumstances and manner of its promulgation indicated very clearly that it was a political manœuvre on the part of the general to regain the prestige lost by the weakness of his military administration.

The President decided at once that the measure was not only dangerous on the score of policy, but that no emergency existed in Missouri to justify it as a military necessity. He instantly wrote Frémont a private letter, asking him to modify the order so as to make it conform to the Confiscation Act which Congress had passed. Frémont, however, refused to make the retractation as of his own accord, and asked the President to order it publicly, which he accordingly did.

As Frémont had doubtless expected and hoped, the question of emancipation by military decree quickly grew into a political issue, in which many radical anti-slavery newspapers and politicians took sides with the general. He became leader of a Republican faction which loudly criticised the President, though on account of Frémont's conspicuous failure as a soldier it did not attain any numerical importance. Yet, in regard to the final results of the great national drama, the incident proved a double benefit. Lincoln's revocation of Frémont's proclamation finally decided the hesitating Kentucky conservatives to range themselves on the side of the Union, and heartily to lend the substantial military power of their State to the suppression of the rebellion; while the adherents of Frémont, weak in numbers but active in propagandism, aided materially in the creation of public opinion which demanded that slavery should be utterly destroyed.

The inevitable processes of war soon moved the slavery question forward another step. If the army undertook to employ negroes in military work at exposed points, must it not protect them? and, as a necessary consequence, must it not permit them to protect themselves, and furnish them with weapons for defence? When an instruction of the War Department affirming this duty was submitted to the President, he saw that it was liable to misconstruction by unfriendly critics, and interlined with his own hand the explanation, "this however not to mean a general arming of them for military service." When also, at the beginning of December, 1861, the President found that Secretary of War Cameron had, without his knowledge, printed in his annual report an unqualified recommendation to arm slaves, the President instructed

Cameron to have the report reprinted, and the radical proposition omitted from it.

Lincoln with wise forethought was already measuring the hot political conflict of views as to slavery entertained by men who were equally sincere and equally loyal in support of the Administration and the war, and was determined not to be led by either extreme, but to maintain a position from which he might control both. Giving the subject a very limited and prudent discussion in his annual message sent to Congress on December 3, 1861, he carefully laid down the following proposition — one to which the most stubborn conservative could not object, while at the same time it left a free field for the most radical action to which the exigencies of war might compel him to resort — "The Union must be preserved; and hence all indispensable means must be employed. We should not be in haste to determine that radical and extreme measures, which may reach the loyal as well as the disloyal, are indispensable."

He had already in his own mind framed a moderate but effectual policy upon which he hoped to reconcile and unite the opposing views of sincere and honest men. This was to initiate a system of gradual emancipation, with compensation to the owners of slaves. In the State of Delaware, where the total population was small, and slave labour unprofitable, there remained less than 1800 bondmen. The election of a Republican member of Congress from that State seemed also to indicate a condition of public opinion favourable to such a reform; Lincoln therefore drafted a bill providing for the payment of $400 for each slave, in consideration of which all slaves in Delaware should become free in graduated classes within 31 years. The President entrusted his scheme to the representative of that State in Congress; and the latter undertook to commend it to his political friends, and secure that the bill should be passed by the Delaware legislature. If such a measure could be passed, the President next hoped to interest the State of Maryland in a similar project, since there also the number of slaves had fallen to about 87,000, or the ratio of 1 in 8 of population. The District of Columbia, with about 3000 slaves, could be freed by action of Congress; and Missouri and Kentucky might next be appealed to with good prospect, if so much progress were once made.

But the President had counted upon too much wisdom and patriotism in the local statesmen of Delaware. Her parliament of 9 senators and 21 representatives contained a majority whose zeal for slavery was in inverse proportion to the material interest of the State in the institution. They scornfully repelled what they stigmatised as a bribe, and declared haughtily that Delaware would not consent by accepting government bonds to guarantee the credit of the United States.

The prejudiced opposition of the legislature of Delaware doubtless discouraged Lincoln from making any appeal to the law-makers of

Maryland, but did not cause him to abandon his efforts. Turning with more hope to Congress, on March 6, 1862, he sent to the Senate and House a special message recommending the adoption of the following joint resolution: "That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system." "The point is," he explained, "not that all the States tolerating slavery would very soon, if at all, initiate emancipation, but that while the offer is equally made to all, the more Northern shall, by such initiation, make it certain to the more Southern that in no event will the former ever join the latter in their proposed Confederacy." With his generous proposal to compensate slave-owners he joined a prophetic warning. He repeated the declaration of his annual message that all indispensable means must be employed to preserve the Union, adding that it was impossible to foresee all the incidents and ruin which might attend a continuation of the war. "Such as may seem indispensable, or may obviously promise great efficiency towards ending the struggle, must and will come." And replying to certain criticisms of the expensiveness of his scheme, he showed in letters that less than one-half day's cost of the war would pay for all the slaves in Delaware, at $400 per head, and at the same rate, 87 days' cost of the war would pay for all in Delaware, Maryland, District of Columbia, Kentucky, and Missouri.

But Lincoln did not limit his efforts to mere written messages to Congress. More perhaps than any previous President, he kept up personal communication with the members of that body, whose frequent, sometimes daily, visits to the Executive Mansion were rendered necessary by the various incidents of the war. On two occasions he invited the members and senators from the border Slave States to visit him in a body, and in lengthy interviews pressed upon their favourable consideration his scheme of compensated abolition. The first of these interviews occurred on March 10, 1862; and the conversation which took place was substantially reported by one of those present. Repeating the arguments of his special message, Lincoln further reminded them that the offer was not only made in good faith, but that it contemplated a thoroughly voluntary action on both sides. It recognised that emancipation was a subject exclusively under control of the States, and that his plan left it to their own initiative and management; that he did not ask an immediate answer from them, but wished them to take the subject into serious consideration. On the same day the joint resolution was introduced in the House of Representatives, and promptly passed by about a two-thirds majority. In the Senate it was debated for some weeks, but that body also passed it by about the same majority; and it was signed by the President on April 10.

While the joint resolution merely pledged the government to a policy, not only the two-thirds vote, by which it was passed, but further manifestations also showed the willingness of Congress to carry out that policy in practical legislation. A joint resolution was introduced in the Senate to grant aid to the States of Maryland and Delaware ; and in the House a select committee on emancipation was appointed, which reported a comprehensive bill authorising the President to give compensation at the rate of $300 for each slave, to any one of the States of Delaware, Maryland, Virginia, Kentucky, Tennessee, and Missouri, that might adopt immediate or gradual emancipation. This was as far as the House could go until a response came from the States; and no such response followed. In the next session indeed, a bill appropriating $15,000,000 to aid emancipation in the State of Missouri was agreed upon, and carried well-nigh through all the stages of legislative enactment in both houses. But it finally failed, partly through the press of business in the last days of the session, and partly through the unyielding opposition of three strongly pro-slavery Missouri representatives, aided by the obstructive parliamentary tactics of the Democratic minority. While the loss of property value in slaves in the Confederate States was a just punishment for their rebellion, the final loss of property value in slaves in the loyal Slave States is fairly chargeable to the stubborn conservatism of their people and their statesmen, which refused to accept the compensation so generously and sincerely offered them by President Lincoln and Congress.

One practical measure of relief, however, resulted from the President's plan. In the District of Columbia, though the domestic slave-trade had been abolished, slavery still existed. The subject had formed a bone of contention throughout nearly the whole history of the government. While liberal men urged the removal of this stain from the Federal capital, pro-slavery partisans had clung to its retention with stubborn tenacity, more as an argument than as a practical advantage. The changes wrought by the war, however, left it neither excuse nor defender. Congress passed, and on April 16, 1862, the President signed an Act for the immediate emancipation of slaves in the District of Columbia, with compensation to owners at the rate of $300 per slave. Mr Lincoln thus had the satisfaction of assisting in the consummation of a reform for which he had introduced a bill in the House of Representatives when a member of that body in 1849.

While President Lincoln was thus energetically pushing his policy of compensated abolition, the subject of military emancipation was once more brought sharply into official and popular discussion. On May 9, 1862, Major-General Hunter issued an order reciting that the Department of the South, which he commanded, was under martial law, adding : "Slavery and martial law in a free country are altogether incompatible. The persons in these three States, Georgia, Florida, and

South Carolina, heretofore held as slaves, are therefore declared for ever free." No political intrigue, but merely a deep sense of moral duty seems to have moved him to issue the order.

Acrimonious comments immediately followed its publication, and the President promptly condemned it. "No commanding general shall do such a thing upon my responsibility without consulting me," he wrote. On May 19, 1862, he published a proclamation reciting that the government had no knowledge or part in the issuing of Hunter's order of emancipation; that neither Hunter nor any other person had been authorised to emancipate the slaves of any State; and that Hunter's order in that respect was altogether void. The President continued: "I further make it known that whether it be competent for me, as Commander-in-Chief of the Army and Navy, to declare the slaves of any State or States free, and whether at any time, in any case, it shall have become a necessity indispensable to the maintenance of the Government to exercise such supposed power, are questions which, under my responsibility, I reserve to myself, and which I cannot feel justified in leaving to the decision of commanders in the field. These are totally different questions from those of police regulations in armies and camps."

In the same proclamation he also pointedly called the attention of the loyal Slave States to his offer of compensated abolition. "I do not argue," he said, "I beseech you to make the arguments for yourselves. You cannot, if you would, be blind to the signs of the times." To all sagacious and liberal-minded men the signs were indeed significant. Everywhere the march of Federal armies was disturbing, relaxing, abrading the institution. In Congress the most determined resistance which the Democratic minority and pro-slavery conservatives could make had constantly to give way before the onslaughts of anti-slavery enthusiasts in debate, and the steady votes of the Republican majority on resolutions and bills. The subject of slavery touched almost every measure of legislation at some point. A single year of war had advanced public and parliamentary opinion more than a whole decade of party politics. The reactionary claims of the Charleston Convention were consigned to oblivion. The vital Republican issue of the Frémont and Lincoln presidential campaigns — prohibition of slavery in the Territories — was placed in the statute books as a merely *pro forma* and sentimental enactment. The various military laws contained provisions which in the aggregate amounted to a sweeping confiscation of slave property for almost all forms of participation in rebellion, and included a virtual repeal of the Fugitive Slave Law. One section, framed in guarded language, was made sufficiently elastic to permit even the formation of coloured regiments.

The conservatives of the border Slave States and the Democratic leaders in the Free States seemed, however, incapable of comprehending, and unwilling to acknowledge, this profound transformation of the public thought and will. Too weak in numbers to resist, they yielded under the

continual protest that the war ought to be fought without damage to slavery, a theory as impossible as that snow should not melt under a July sun. Indirectly their opposition served one useful purpose. It enabled the President to stand midway between them and the anti-slavery extremists, and to keep legislation and administration within prudent and constitutional limits.

Meanwhile the chances of war were carrying the issue towards an acute and dangerous crisis. The inspiring victories gained by the Federal arms during the early months of the year 1862 suddenly ceased; and defeat and disaster seemed to culminate in McClellan's despairing despatch from the peninsula, expressing the fear that, instead of conquering Richmond, he was about to lose his army. The President's call for 300,000 volunteers gave momentary relief to the army and hope to the country, but, facing the political as well as the military emergency, he also considered and decided how he would deal with the subject of slavery.

On July 12, 1862, Lincoln for the second time called together the representatives and senators from the border Slave States, and read to them a carefully prepared written appeal to accept compensation for slaves in their respective States. "Let the States," said he, "which are in rebellion see definitely and certainly that in no event will the States you represent ever join their proposed Confederacy, and they cannot much longer maintain the contest. But you cannot divest them of their hope to ultimately have you with them, so long as you show a determination to perpetuate the institution within your own States. . . . The incidents of the war cannot be avoided; if the war continues long, as it must if the object be not sooner attained, the institution in your States will be extinguished by mere friction and abrasion — by the mere incidents of war. It will be gone, and you will have nothing valuable in lieu of it." But this appeal, like the former one, proved substantially barren of result. Twenty members signed a written address in reply two days after, reiterating their loyalty, but urging a general plea of non-action to the President's request. Nine others promised to lay the matter before the people of their States. Both the refusal of the majority, and the non-committal attitude of the others indicated clearly enough that the plan had no hope of success.

President Lincoln had doubtless foreseen the failure, for on the following day, July 13, 1862, he confided to two members of the Cabinet his determination to issue a decree of military emancipation. During a drive with Secretaries Seward and Welles he introduced the subject, and "dwelt earnestly on the gravity, importance, and delicacy of the movement; said he had given it much thought, and had about come to the conclusion that it was a military necessity, absolutely essential for the salvation of the nation, that we must free the slaves, or be ourselves subdued."

Two weeks later, when Congress had adjourned, and it became necessary to prepare certain orders under the Confiscation Act, Lincoln read to his Cabinet (July 22, 1862) his first draft of the preliminary emancipation proclamation. It came as a surprise to all the members except the two with whom he had conversed about it. In the impressive tone of a father addressing his children, he told them he had not called them together to ask their advice as to issuing it, which he had resolved upon, but to lay the proclamation before them for their suggestions. Only two members expressed their unhesitating approval. The others received it with varying doubt and hesitation. It was Seward, the Secretary of State, who finally made the decisive suggestion, that it had better be postponed until it could be issued with the support of military success, instead of appearing, as would be the case now, under the depressing influence of grave disasters. "The wisdom of the view," said Lincoln afterwards, "struck me with very great force. It was an aspect of the case that, in all my thought upon the subject, I had entirely overlooked." Accordingly the President laid the draft aside, and waited for victory.

There followed a dreary period of suspense; for, in that time of intense feeling and deep anxiety, days counted as weeks. The disastrous campaign of McClellan was succeeded by the disastrous campaign of Pope, ending in the second defeat at Bull Run. Popular complaint grew loud, and factious recrimination bitter. Radicals and Conservatives laid upon each other the burden of all public calamities; and each party importuned the President to correct the misdeeds of its opponents. It required all Lincoln's patience to curb the imprudent zeal of both. To a citizen of Louisiana, who complained of the enforcement of the Confiscation Act, he wrote: "What is done and omitted about slaves, is done and omitted on the same military necessity. . . . The rebellion will never be suppressed in Louisiana if the professed Union men there will neither help to do it, nor permit the government to do it without their help. . . . It is for them to consider whether it is probable I will surrender the government to save them from losing all. I shall not do more than I can, and I shall do all I can to save the government, which is my sworn duty as well as my personal inclination. I shall do nothing in malice. What I deal with is too vast for malicious dealing."

With equal firmness he restrained the impatience of anti-slavery zeal. Horace Greeley, editor of the *New York Tribune*, then perhaps the most influential newspaper in the United States, printed an open letter to the President, accusing him of failure to execute the Confiscation Act. In reply, Lincoln also printed an open letter in the newspapers, under date of August 22, 1862, which in its skill of dealing with factious fault-finding has probably never been excelled. "As to the policy I 'seem to be pursuing,' as you say, I have not meant to leave anyone in doubt. I would save the Union. I would save it in

the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be to 'the Union as it was.' If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the coloured race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors, and I shall adopt new views so fast as they shall appear to be true views. I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free."

(5) Emancipation

The President was not only beset by clamours on the score of public policy and constitutional law, but was also importuned by sincere enthusiasts to decree military emancipation as a religious duty. His reply to a deputation of Chicago clergymen, that he did not want to issue a document as inoperative as the Pope's Bull against the comet, was merely a figurative protest against their inopportune urgency; for he had long since decided that such a document would be inefficacious. He immediately added: "Understand I raise no objections against it on legal or constitutional grounds, for, as Commander-in-Chief of the Army and Navy, in time of war I suppose I have a right to take any measure which may best subdue the enemy."

Four days afterwards occurred the battle of Antietam, the result of which was for several days uncertain. As soon as it could be definitely claimed as a victory, the President called together his Cabinet on Monday, September 22, 1862, and laid before it the proclamation he had drafted, informing them that the question was finally decided, that he had formed his own conclusions, and that he only asked their criticisms to assist in making the document as correct in terms as possible. Referring to the former Cabinet council upon the same topic, and its postponement, the President continued: "Ever since then my mind has been much occupied with this subject, and I have thought, all along, that the time for acting on it might probably come. I think the

time has come now. I wish it was a better time. I wish that we were in a better condition. The action of the army against the rebels has not been quite what I should have best liked. But they have been driven out of Maryland, and Pennsylvania is no longer in danger of invasion. When the rebel army was at Frederick, I determined, as soon as it should be driven out of Maryland, to issue a proclamation of emancipation, such as I thought most likely to be useful. I said nothing to anyone, but I made the promise to myself, and (hesitating a little) to my Maker. The rebel army is now driven out and I am going to fulfil that promise."

In the discussion which followed, the Postmaster-General, Blair, while agreeing to both the principle and policy, urged that the time was still inopportune. The Secretary of State, Mr Seward, suggested the principal verbal amendment; that the document should promise to "maintain" as well as "recognise" the freedom of the enfranchised persons. The President accepted the modification, which gave the essence of the decree the following form:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and for ever free; and the Executive Government of the United States, including the military and naval authorities thereof, will recognise and maintain the freedom of such persons, or any of them, in any efforts they may make for their actual freedom."

In addition the document contained three other leading proposals and promises: 1. A renewal of the plan of compensated abolition; 2. A continuance of the effort at voluntary colonisation; 3. The recommendation of ultimate compensation to loyal owners. It also contained an express order enjoining upon the military and naval service of the United States to observe, obey, and enforce the provisions of the Confiscation and other Acts relating to slaves. The leading newspapers of the country printed the proclamation in full on the morning of September 23; and that evening, in reply to a serenade, Mr Lincoln said: "What I did, I did after a very full deliberation, and under a very heavy and solemn sense of responsibility. I can only trust in God I have made no mistake. I shall make no attempt on this occasion to sustain what I have done or said by any comment. It is now for the country and the world to pass judgment and, may be, take action upon it."

The probable action of the country and the world had been thought out by the President with accurate judgment. He had reached, not a highly sanguine, but a thoroughly hopeful, mental forecast of its effect upon the border Slave States, the army, the emancipated slaves, and general public opinion. A convocation of the governors of the loyal

States was at the time in session at Altoona, Pennsylvania, deliberating upon co-operative measures relating to the war. A few days later they waited upon him in a body to present a written address, signed by sixteen governors of Free States, and the governor of West Virginia, which contained among other things a hearty endorsement of the new emancipation policy; while the governors of New Jersey and four border Slave States, though declining to endorse the proclamation, nevertheless heartily concurred in the military and patriotic sentiments of the address. The only official sign in the army of discontent with the proclamation was of so negative a character as to produce no impression. General McClellan, after the final failure of his Richmond campaign, had had the bad taste to write the President a long letter, tendering advice upon the civil and military policy of the Administration, and strongly opposing Radical views and action upon slavery. In the flush of that general's newspaper popularity a coterie of Democratic politicians was industriously nursing him as a prospective candidate for President; and this Harrison's Landing letter was doubtless intended to serve as his platform. Had he captured Richmond, the letter might have been effective; but, writing after defeat and failure, his desire to place himself in antagonism to the Administration was so evident, that Lincoln was able to treat it with the silence it deserved.

Placed again in command by the President's generosity, McClellan found himself in an awkward predicament when the proclamation appeared. Its military character required official notice. To condemn or approve it would be equally embarrassing, though his inclinations were decidedly for the former. In a private letter of September 25, 1862, he wrote, "The President's late proclamation, and the continuation of Stanton and Halleck in office, render it almost impossible for me to retain my commission and self-respect at the same time." After receiving the advice of his political friends in New York, he issued on October 7 an order calling attention to the proclamation, deprecating intemperate discussion of public measures determined upon and declared by the government, and significantly adding, "the remedy for political errors, if any are committed, is to be found only in the action of the people at the polls."

That the proclamation should add considerable heat to party discussion in the autumn elections was inevitable. It was roundly denounced by the Democratic leaders and party, and of course found little favour in the border Slave States. On the other hand, the Republicans of the Free States supported it with steady unanimity. Other exciting topics, the want of military success, and the anti-slavery legislation of Congress, added to the loud outcry that the Administration had changed the war for union to a war for abolition, gave the Democrats the advantage of an aggressive campaign, which increased the representatives of that party in the House from 44 to 75. They

also succeeded in electing a governor in the great State of New York, whose stubborn partisanship gave the administration much annoyance when enforcing the Draft Law in the following year. Nevertheless, the elections once over, moderate men who had opposed military emancipation began gradually to accept it as one of the inevitable events of war, to be submitted to along with its other calamities. In the House of Representatives the Republicans promptly took measures to defeat a resolution declaring the proclamation to be an unconstitutional and dangerous war-measure, and, by a test vote of 78 to 51, passed a resolution sustaining it in strong affirmative terms.

In his annual message of December 1, 1862, the President once more elaborately discussed and urgently recommended his policy of compensated emancipation, proposing a constitutional amendment containing provisions that all slaves who should have enjoyed actual freedom by the chances of war at any time before the end of the rebellion should remain for ever free ; but that all loyal owners, and all States which should abolish the institution before 1900, should receive compensation from the United States. While this recommendation did not take effect in legislation, the strong logic of the President's argument and the fervency of his exhortation in favour of shortening the war, and dividing its necessary sacrifices between the people of both sections, made a powerful impression upon the public mind, preparing the country for the final military decree of which the September proclamation was the preliminary announcement.

Meanwhile as a joint result of war, Congressional legislation, and executive action, the first step in actual emancipation took place. Loyal West Virginia, having by the spontaneous movement of her people repudiated secession, formed a new State and adopted a constitution, and applied for admission to the Union. Congress accepted all the provisions of the new constitution which she presented, except that relating to slaves, which was a simple prohibition against their being brought into the State for permanent residence. By way of insisting on a more radical reform, Congress embodied in its Act to admit the new State a condition precedent requiring it to adopt a system of gradual emancipation to begin on July 4, 1863 ; slave children born thereafter to be free, slaves under ten years of age to become free at twenty-one, and slaves under twenty-one to become free at twenty-five. The Senate passed the Act on July 14, 1862, and the House at the next session, on December 10, 1862. The constitutionality of this Act of Admission was thoroughly discussed by President Lincoln's Cabinet in written opinions, during the last week of December ; and the President signed it on the 31st. In due time West Virginia accepted the system of gradual emancipation imposed by Congress ; and the State was admitted on June 20, 1863. Finally, under the impulse of the growing spirit of progress, the system of

gradual emancipation prescribed by Congress was terminated by the immediate abolition of "the institution" under an Act of the West Virginia legislature passed three days after the adoption of the XIIIth Amendment by Congress.

The year 1862 had drawn to its close; the period fixed by the President's September proclamation, warning the country that an emancipation decree would follow unless rebellion ceased, had expired; but the Confederate States gave no sign of repentance, and offered no diminution of hostility; nor was there any indication of willingness to give up slavery and receive the money equivalent tendered. President Lincoln was not, however, the man to recede from his public announcement, and on January 1, 1863, he signed the final Edict of Freedom, the details of which he had carefully discussed with his Cabinet on the preceding day. The essential paragraphs of the proclamation read as follows:

"Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war-measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of 100 days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

"Arkansas, Texas, Louisiana (except the parishes of St Bernard, Plaquemines, Jefferson, St John, St Charles, St James, Ascension, Assumption, Terre Bonne, La Fourche, St Mary, St Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

"And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the executive government of the United States, including the military and naval authorities thereof, will recognise and maintain the freedom of said persons."

The proclamation also contained one other feature of immense importance not before publicly announced. It was contained in the following paragraph: "And I further declare and make known that

such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service."

While Lincoln had hitherto discouraged the formation of negro regiments for use in active campaigns, and while two or three tentative experiments to put arms into their hands to strengthen the local defence of the Port Royal cotton fields and the sugar plantations adjacent to New Orleans had proved unsuccessful, the purpose of eventually making the negroes a military resource had long been entertained by him, and was indeed one of the principal reasons for adopting the policy of military emancipation. So far back as July, 1862, when the collapse of McClellan's Richmond campaign had forced the President to make an anxious forecast of the future military struggle, he had indicated in a conversation his determination to use the great and decisive element of military strength which lay as yet untouched and unappropriated in the slave population of the South. The reasons which then existed against it — prejudice on the part of the whites, and the want of a motive on the part of the blacks — were removed, the first by the stress of war, the second by the two proclamations of freedom. Thereafter the government urgently pushed the formation of negro regiments among the Southern blacks; and before the end of the war 150,000 of their number carried bayonets in the Unionist armies, and worthily vindicated their right to freedom by bravery in battle.

The fondness of Southern politicians and statesmen for redundant and florid rhetoric was aggravated by the passions of the Civil War into a hot and vindictive intemperance of language with which, in their official correspondence and State papers, they ascribed the meanest motives and most shocking excesses to their antagonists. The Confederate President, followed by some of the leading generals, could hardly find phrases sufficiently strong to express their feelings. They accused the North of conducting the war in a "cruel," "barbarous," "merciless," "inhuman" manner. This violence of language came to a climax whenever it touched the subject of negro soldiers. Forgetting their own wholesale use of slaves in various military labours, they affected to feel surprise and horror when Unionist commanders began to organise them for local defence. "The best authenticated newspapers received from the United States," wrote General Lee, "announce as a fact that Major-General Hunter has armed slaves for the murder of their masters, and has thus done all in his power to inaugurate a servile war, which is worse than that of the savage, inasmuch as it superadds other horrors to the indiscriminate slaughter of ages, sexes, and conditions." The Confederate War Department issued a general order that officers organising negro soldiers should be subject, if captured, to execution as felons. General Butler's earliest effort to repeat what the Confederates themselves had done in New Orleans to organise a regiment, not of slaves,

but of free mulattos, was thus set forth in a proclamation of outlawry by the Confederate President: "African slaves have not only been incited to insurrection by every licence and encouragement, but numbers of them have actually been armed for a servile war — a war in its nature far exceeding the horrors and most merciless atrocities of savages." In a similar temper Jefferson Davis, in his annual message, commented upon President Lincoln's final proclamation of emancipation. "Our own detestation of those who have attempted the most execrable measure recorded in the history of guilty man is tempered by profound contempt for the impotent rage which it discloses"; and he threatened with dire punishment officers executing the decree.

It is worthy of historical record that in the tremendous change which transferred four millions of Africans from bondage to freedom, none of these dreadful consequences happened. The Southern people had for half a century groaned and trembled under the nightmare of a general slave insurrection; and it was not unnatural that the Civil War should double this dread. But the suffering and destruction inseparable from war were not aggravated by any inhuman excesses on the part of the freed people, armed or unarmed. The only serious violation of the laws of war was committed by white Confederate soldiers at the massacre of Fort Pillow. This caused President Lincoln to issue an order of retaliation, but his humane and forgiving spirit permitted it to lapse.

The action of Lincoln in freeing the United States from the institution of African slavery falls naturally into two periods. The first extends from the re-affirmation, in his inaugural address, of the doctrines of the Chicago platform to the final emancipation proclamation; the second from that military decree, which annulled the proprietary rights of rebellious masters, to the XIIIth Amendment obliterating slavery from the national jurisdiction. The edict of freedom left the "institution" untouched in a few territorial fragments of Louisiana and Virginia, and in the loyal States of Delaware, West Virginia, Maryland, Kentucky, and Missouri. But an aggressive public spirit of reform had been generated during the first period, which now added its impulse to the stern decree of the final proclamation. The war had everywhere rudely disturbed the relation of master and slave, wakening the nation from the old life to fresher aspirations. The advantages of the Free States in intellectual energy and material prosperity were strongly brought into light by the trying struggle. The discussion of emancipation merged gradually into an acceptance of the idea, and a hope of its fulfilment. Considerable portions of the Secessionist States of Louisiana, Arkansas, and Tennessee came and remained under control of the Unionist armies; and the loyal element of the population, repressed under the terrorism of Secession, saw its best hope for ascendancy and domination, and the firm adherence of

the State to the Union, in the complete local destruction of the old order of things. To foster this political regeneration, President Lincoln, acting through his military governors and local commanders appointed to restore and supplement the civil administration subverted by secession, suggested, aided, and promoted the movements to reorganise loyal State governments and adopt new State constitutions by which slavery should be prohibited.

Since these three States differed greatly in respect to existing military conditions and local political sentiment, the President, on December 8, 1863, issued a general proclamation of amnesty and reconstruction, granting to all except certain specified classes, on taking a prescribed oath of allegiance, pardon and restoration of rights of property, except as to slaves, and authorising one-tenth of the legal voters of any seceding State to re-establish a loyal State government, which would be recognised by the executive. In his accompanying annual message, he remarked further that "By the proclamation the plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. . . . Saying that reconstruction will be accepted if presented in a specified way, it is not said it will never be accepted in any other way." Under the terms of this proclamation, Arkansas and Louisiana organised State governments and adopted new constitutions prohibiting slavery, mainly during the year 1864; Tennessee, where more serious military obstacles prevailed, reached the same result early in 1865; while in the loyal border Slave States of Maryland and Missouri the regular political action of their people worked out the same constitutional reform at about the same dates. Congress, however, displayed considerable reluctance to recognise these "ten per cent. States" reorganised under the plan of the President, and to approve the admission of their senators and representatives to seats. Discussion of various theories engendered some factional heat among Republican senators and representatives; but the President carefully avoided the formation of any practical legislative issue on the subject. It was only in the succeeding administration of President Johnson that the divergence developed into bitter antagonism and led to a long constitutional struggle between the executive powers of the Administration and the legislative powers of Congress.

Meanwhile, however, a yet more radical and far-reaching movement for the complete extinction of slavery was in progress. With the year 1864 came again the quadrennial election of a President of the United States. While the failures of campaigns, the rivalries of generals, and the fierce criticisms of the opposition minority in Congress had created a certain disaffection among a few Republican politicians towards Lincoln's administration, the people at large recognised and appreciated the unselfish devotion, sagacity, and tact which he had displayed in

the conduct of the war, and turned to him with great confidence as the fittest man to nominate for the next presidential term, both on account of his remarkable qualities of statesmanship and because the experience he had gained would enable him better than any other to carry the struggle for national life and freedom to a successful issue. The feeble intrigues of Secretary Chase and General Frémont to supplant him in his own party suffered an early blight. In the national convention of the Republican party, held at Baltimore on June 7, 1864, the roll-call on nomination showed an undivided vote for Abraham Lincoln in every State delegation except that of Missouri, which, under instructions, gave its first ballot to Grant, but immediately changed and made Lincoln's nomination unanimous.

While Lincoln's prudent but tactful management of the slavery question in the past had been perhaps the most influential cause of this unanimity, his counsel and influence were already shaping the final solution of this most perplexing problem of national destiny. In the preceding session of Congress a joint resolution had been introduced, perfected, and passed in the Senate, proposing the XIIIth Amendment to the Constitution of the United States, viz.: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction." In the House of Representatives, however, the party attitude of members was such that the necessary two-thirds vote could not then be obtained for it, and it went over as unfinished business.

But Congressional and legislative discussion had advanced public opinion to a point which found emphatic expression in the Republican National Convention. The preliminary speeches foreshadowed the declaration embodied in the third resolution of the platform, which approved all the Acts hitherto directed against the "institution," and declared in favour of an amendment to the Constitution terminating and for ever prohibiting the existence of slavery in the United States. To the Committee that notified him of his nomination, Lincoln gave a special and hearty approval of this resolution of the platform. "Such an amendment," said he, "to the Constitution, as is now proposed, became a fitting and necessary conclusion to the final success of the Union cause. Such alone can meet and cover all cavils. Now the unconditional Union men, north and south, perceive its importance and embrace it. In the joint names of Liberty and Union let us labour to give it legal form and practical effect." And to a friend in confidential conversation he remarked that it was he who had suggested to Senator Morgan to put the subject into his opening speech when he called the Convention to order.

In his annual message of December 6, 1864, President Lincoln argued with emphasis in favour of completing the enactment of the

XIIIth Amendment. "Although the present is the same Congress," said he, "and nearly the same members, and without questioning the wisdom or patriotism of those who stood in opposition, I venture to recommend the reconsideration and passage of the measure at the present session. Of course the abstract question is not changed, but an intervening election shows almost certainly that the next Congress will pass the measure if this does not. . . . It is the voice of the people, now for the first time heard upon the question."

The people had indeed spoken with marked emphasis. The singular misconceptions of correct national policy, in which the Democratic party had so long allied itself with the pro-slavery interests of the South, carried the mass of its adherents into equally grave blunders of party action during the war. A few sagacious leaders, such as Douglas, Holt, Dix, Butler, Logan, and many of the rank and file, were inspired by a freer and fresher patriotism, and gave hearty assistance to Union and freedom. But the Democratic party as an organisation stubbornly nursed its engrained prejudices, and remained in criticising, obstructing opposition; while a few misguided members of the party attained unenviable notoriety by straining that opposition to an almost open partisanship with Secession. Having opposed both emancipation and the Draft Law, their National Convention could do no better than nominate General McClellan as their candidate for President against Lincoln, and then overweight his faded popularity and blighted military laurels with a platform resolution declaring the war a failure. This compelled McClellan while accepting the nomination to repudiate the platform; and in this awkward predicament the Democratic ticket went to disastrous defeat at the November polls. Lincoln was triumphantly chosen by 212 electoral votes against 21 for McClellan; while the House of Representatives was reinforced with a strong Republican majority.

This decisive voice of the people had been largely stimulated by the decisive work of the army. Grant, in a series of sternly contested but successful battles, had moved from the Wilderness through Virginia with an irresistible steadiness, and now held Richmond and Petersburg in an iron grip. Sherman had swept in a victorious march from Chattanooga through Georgia, and had Savannah practically in his grasp. Early's raid on Washington had been repulsed; and Sheridan had cleared the Shenandoah valley. All the omens indicated the early collapse of the Confederate government.

It was under these brightening prospects, which gave the President's words of recommendation an overpowering weight, that, in the second session of the thirty-eighth Congress, the House of Representatives returned to the unfinished XIIIth Amendment passed by the Senate in the previous session. The question was taken up about the middle of December, and debated at intervals for six weeks with unusual seriousness,

the Republicans favouring, the Democrats opposing, the proposal. Gradually the latter yielded to the logic of events; and in the final vote, taken on January 31, 1865, a sufficient number of liberal men, among both the Democratic members and those representing the border Slave States, united with the Republicans in passing the Joint Resolution by the two-thirds majority required by the Constitution. The formal ratification of the amendment by three-fourths of the States was begun by Illinois on the following day, February 1, and completed within the year; and on December 18, 1865, official proclamation was made that it had become valid as a part of the Constitution of the United States.

On February 3, 1865, three days after the House of Representatives had passed the XIIIth Amendment, President Lincoln and Secretary Seward, as elsewhere related, met the Confederate Commissioners at the Hampton Roads conference, in which the subject of emancipation was earnestly reviewed. The President repeated with emphasis that while he would never change or modify his proclamation, he had issued it only as a necessary war-measure to maintain the Union. He believed, however, that the people of the North were as responsible for slavery as the people of the South, and if the war should then cease with the voluntary abolition of slavery by the States, he individually should be in favour of the government paying the owners a fair indemnity for their loss; and he added further that he believed this feeling was widely prevalent in the North.

Immediately upon his return from the Hampton Roads conference to Washington, at a Cabinet Meeting held on February 5, the President submitted to his constitutional advisers a message addressed to Congress, recommending that that body should pass a joint resolution offering the Slave States a compensation of $400,000,000, upon condition that all rebellion should cease, before April 1, half the sum to be paid at that date, and the other half as soon as the XIIIth Amendment should become valid constitutional law, by the ratification of the requisite number of States. The proposition was, however, disapproved by the whole Cabinet; and the President, in evident surprise and sorrow at the want of statesmanlike liberality shown by his executive council, folded and laid away the draft of his message. Notwithstanding the radical disagreement, his mind strongly retained the generous impulse. "How long will the war last?" he asked, and when no one replied he answered himself, "A hundred days. We are spending now in carrying on the war $3,000,000 a day, which will amount to all this money, besides all the lives." With a deep sigh he added, "But you are all opposed to me, and I will not send the message."

It is fair to infer that, even after this, he still clung to the hope that an opportunity would arise when he might make some such good-will offering to the South. In his last public address, on the evening

of April 11, after a discussion of questions of reconstruction, he used these significant words: "In the present situation, as the phrase goes, it may be my duty to make some new announcement to the people of the South. I am considering, and shall not fail to act when satisfied that action will be proper."

With what earnest solicitude President Lincoln had, during four years, traced out the causes and consequences of the great national transformation from slavery to freedom — with what high purpose and under what solemn sense of responsibility he had wrought and guided the grand act of liberation to success and fulfilment can, after all, be best understood from the words of his second Inaugural Address, in which he applied the eternal law of compensation to the sin and the atonement of American slavery. Premising that "the institution" was the origin of the civil conflict, he concluded: "Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered: that of neither has been answered fully. The Almighty has His own purposes. 'Woe unto the world because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh.' If we shall suppose that American slavery is one of those offences which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offence came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope — fervently do we pray — that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'

"With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan — to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

CHAPTER XIX

THE SOUTH DURING THE WAR
(1861—1865)

THE secession of the Southern States and the formation of the Confederacy were events for which the previous political history of the United States had laid the foundation. When the movement culminated in the winter of 1860–1 the Southerners acted promptly, with decision, and with increasing unanimity of feeling. South Carolina seceded from the Union on December 20, 1860; Alabama, Florida, Georgia, and Louisiana followed suit during January; Virginia, Arkansas, and North Carolina delayed till May, Tennessee till June, 1861. The decided action taken by President Lincoln as a result of the attack on Fort Sumter on April 11 turned the scale in the doubtful States. The Montgomery Convention met on February 4, 1861, and included delegates from all the above States except from Virginia, Arkansas, and Tennessee. In four days a provisional constitution was drawn up and adopted. On February 9 the Convention elected Jefferson Davis President and Alexander H. Stephens Vice-president of the new Confederacy. They assumed office on the 18th. Before adjourning, the Congress, beside passing the necessary revenue measures, adopted on March 11, 1861, a permanent constitution, which was formally ratified by the legislatures of the eleven States concerned, and in all cases by large majorities.

The prominent candidates for the Presidency had been Jefferson Davis, Alexander H. Stephens, and Robert Toombs. Of these, Davis and Toombs had been, at Washington and in their respective States, Mississippi and Georgia, outspoken and extreme advocates of States rights, and strongly favoured secession. Davis, after graduating at West Point in 1828, and holding a commission in the United States army for seven years, and again during the Mexican war, settled in Mississippi as a cotton-planter. From 1845 to 1846 and from 1847 to the outbreak of the war he was at Washington, first in the House of Representatives, then, from 1847 to 1851, and again from 1857 to 1861, in the Senate; while from 1852 to 1857 he was Secretary of War. While President of the Confederacy he did not excel as a

statesman or financier, though he devoted himself with energy and self-effacement to the hopeless task of winning independence for the South. Elected to his office in order to carry out the views of the extreme secessionists, he lacked the hearty support of the more moderate advocates of Southern rights, such as his own Vice-president, and aroused the bitter opposition of a small party in the Congress, a prominent spokesman of which was Henry S. Foote, representative from Tennessee, formerly, like Davis, a United States senator from Mississippi, and in 1852 the successful opponent to Davis in his candidacy for the governorship of that State. As head of a government that had necessarily to become a military despotism, despite the theory of State sovereignty upon which it was avowedly based, Davis aroused the active hostility of various State governments in the person of their governors. After the war he was indicted for treason, but the case was "nolled" in 1868. He died in 1889.

Alexander H. Stephens, like Davis, brought to his office an intimate acquaintance with the Federal government, having represented Georgia in Congress at Washington from 1843 to 1859. Before and after his election to the Vice-presidency he differed with Davis on the fundamental question of States rights. In the Confederate government he played an unimportant part, except for the sanction, if not encouragement, that he gave to the Georgia peace party, which became prominent in 1864, and demanded a speedy termination of the war, even at the cost of Southern autonomy. After the war Stephens again appeared in the political field, first in the United States Congress, then as governor of Georgia.

In Davis' Cabinet, Judah P. Benjamin and Robert Toombs were men of distinction. Both had been members of the United States Congress, and were uncompromising champions of the Southern cause. Benjamin held various Confederate Cabinet positions, and was Secretary of State during three years. Toombs was the President's choice for the Treasury portfolio; but Davis yielded to South Carolina's claims for recognition, and offered Toombs the Secretaryship of State, which he held till his appointment to a military command. The Secretary of the Treasury, C. G. Memminger, was quite unknown in national politics. He had had some experience in public matters as a member of the South Carolina legislature, but brought to his important office a very slight acquaintance with financial questions, and small ability to diagnose the difficulties which confronted the Confederate Treasury, and to suggest proper remedies. Memminger's successor, George A. Trenholm of Charleston, to whom he yielded his office in July, 1864, was of a different stamp, a keen and active cotton-merchant, who had been on intimate terms with the Treasury Department owing to his interest and success in blockade-running. Among other members of the Cabinet may be mentioned the two leading Secretaries of War,

G. W. Randolph and James E. Seddon of Virginia; the Secretary of the Navy, S. R. Mallory of Florida; and the Postmaster-General, John R. Regan of Texas, the last survivor of the Confederate Cabinet.

The three Congresses of the Confederacy — the Provisional Congress sitting from February 4, 1861, to February 18, 1862; the first Permanent Congress, from February 22, 1862, to February 18, 1863, and the second Permanent Congress, from May 2, 1864, to March 18, 1865 — were made up to a considerable extent of former members of the United States Congress. Of these Howell Cobb was perhaps the most distinguished. He had been the Speaker of the House during the thirty-first Congress, then governor of Georgia, later in the Federal Congress again, and then in President Buchanan's Cabinet as Secretary of the Treasury till the culmination of the Secession movement. He served as Speaker of the Provisional Congress of the Confederacy, and afterwards in the field, though he saw little service. Other men of mark in the Confederate Congresses were: Robert W. Barnwell, an extreme secessionist; J. L. M. Curry of Alabama, a former member of his State legislature and of the United States Congress; he subsequently served in the Southern army, after the war became prominent in educational matters, and, under President Cleveland, was minister to Spain; William L. Yancey, another extremist, till his death in 1863 senator from Alabama; Benjamin H. Hill and Augustus H. Keenan of Georgia, representing the moderates; Senator James L. Orr of South Carolina, also representing the moderate champions of the South; John A. Campbell, before the war an Associate Justice of the United States Supreme Court, and later an Assistant Secretary of War under the Confederacy, and a member of the ineffective Peace Convention of February, 1865; and Duncan F. Kenner of Louisiana, a prominent member of the Ways and Means Committee. Outside the Congress a few names are worthy of mention: those of Judge Andrew G. Magrath of the Confederate Court in South Carolina, which dealt with many important constitutional questions; of Governor Zebulon B. Vance of North Carolina, and Joseph E. Brown of Georgia, both of whom were prominent in the conflict between the State and central authorities; of William W. Holden, an unsuccessful candidate for the governorship of North Carolina in 1864, when he headed the peace party; and of E. A. Pollard, journalist and historian, principal editor of the *Richmond Examiner*, and a bitter critic of the Davis Administration.

In their provisional and permanent Constitutions — the latter of which came into effect on February 22, 1862 — the Southerners took the opportunity to emphasise their position in the great political controversies of previous years, and also to correct certain supposed defects of the United States Constitution, which document they otherwise faithfully copied. The Southern view of the rights of the individual States was embodied in the preamble and in various other sections of both

Constitutions; and great stress was laid upon the delegation of powers to the central government by the "Sovereign and Independent States" composing the Confederation. For instance, a Confederate official acting within a State could be impeached by a two-thirds majority of the particular State legislature—a provision quite unknown to the United States Constitution. Moreover, in the provisional Constitution the State officials were not bound by oath to support the Confederate Constitution.

The framers of the Confederate Constitutions, unlike the men of 1787, felt no scruples about the use of the word "slave," and, in addition to recognising distinctly the legitimate existence of slavery, they explicitly forbade the Confederate, State, and Territorial legislatures to enact laws impairing or denying the right of property in negro slaves. The Constitutions took similar ground against protective tariff legislation, under which the South had in previous years been an unwilling sufferer. It was provided that no bounties should be paid, and no taxes levied, for the benefit of any branch of industry. In compliance with this principle the Congress drew up a tariff on the lines of those of 1846 and 1857, which had been framed by Democratic Congresses, and in marked contrast with the Morrill Tariff of 1861, framed by and in the interest of the North. The rates of duty were avowedly devoid of any protective motive, though in the case of sugar, a product of the South, the comparatively high duty of 20 per cent. suggests some leaning in that direction. Indeed, the constitutional prohibition of protective legislation did not prevent the South from developing a strong protectionist sentiment—a result common to most wars. The blockade came to be looked upon by some as a blessing in disguise, in that it roused the South to the necessity of fostering its own industrial resources. In fact, just as happened in New England during the war of 1812, manufacturing concerns of various kinds were established in the South during the Civil War; and resentment of the South's industrial rather than of its political dependence upon the North was very general.

Memminger planned to raise 25 millions of dollars during the first fiscal year from import duties averaging 12½ per cent. No such revenue was obtained; in fact, during the four years of the war only about one million in specie was collected in this way. This source of revenue was cut off by the efficiency of the Federal blockading fleet. Owing to the same cause export duties yielded a quite insignificant sum. The Constitutions allowed the imposition of such a tax; and great things were expected from the cotton export duty of one-eighth of a cent per lb. But so little cotton escaped the vigilance of the blockading fleet that during the period 1861–5 not much more than $6000 in specie were collected by means of this tax.

With a view to preventing legislation favourable to one section at the expense of another, the Constitutions forbade the appropriation

of public money for internal improvements except for aids to navigation, such as the maintenance of lighthouses and the removal of obstructions; and even in these cases corresponding taxes upon the navigation facilitated were called for. Similarly, the expenditure of public money for the benefit of a part of the people was forbidden by the constitutional requirement that after March 1, 1863, the Post-Office should be self-supporting. A surplus revenue in that department was actually secured by adopting high postal rates, while the volume of business it transacted was relatively small.

The provisions regarding the issue of paper-money as legal tender were the same in the Constitutions of the North and the South, except that in the permanent Confederate Constitution the States were not prohibited from issuing bills of credit, though the prohibition against making anything but gold and silver a tender in payment of debts was left unchanged. Both belligerents had therefore to deal with a similar question touching the constitutionality of legal tender paper-money. In the North the Act of February, 1862, authorising an issue of legal tender paper-money, was sustained by the Supreme Court in later years; in the South the generally accepted theory of constitutional interpretation prevented the passing of any similar measure. Pressure was frequently brought to bear on the Congress to pass a legal tender law; the same arguments were used that proved effective in Federal legislation; it was called a war measure, and a proper check upon the disloyal noteholders who were discrediting the government by circulating its notes at a discount. E. A. Pollard in particular urged the adoption of the measure; but the majority in the Congress, and among them the leading members, as well as the leading executive officers, opposed it. President Davis would doubtless have vetoed such a bill; and Memminger clearly defined his views on the constitutionality and the expediency of the measure, in marked contrast with the equivocal position taken by the Secretary of the Federal Treasury, Salmon P. Chase, under similar circumstances. The State legislatures did not feel the same scruples about the constitutionality of legal tender laws, and passed many such measures, as well as other Acts intended to compel the unwilling creditors to accept Confederate or State notes.

The Confederate Constitutions made some noticeable changes in the direction of increasing the powers of the President, and diminishing those of the Congress, but, strangely, not with a view to the impending war. The increase in the President's powers had solely in view his position in time of peace. To prevent the long-established practice of legislative "log-rolling" he was empowered to veto particular appropriations and approve others in the same bill — a constitutional change still favoured by many, and frequently adopted in recent State constitutions. The term of office for both President and Vice-president was lengthened from four to seven years; and they were declared ineligible for a second

term — a change also generally approved as tending to promote administrative stability and the development of a pronounced policy, and reducing the number of occasions for political excitement and consequent derangement of business due to presidential elections.

The members of the Cabinet were also given nominally greater power. They were allowed a seat in either House with the right to discuss measures pertaining to their several Departments. This was a radical change from the old order, and aimed at copying the British system of a responsible ministry, which Stephens was anxious to adopt without qualification. The necessary legislation to carry out this provision of the Confederate Constitution was never passed; and apparently neither the Congress nor the Cabinet was anxious to venture on the experiment. In another direction the powers of heads of Departments were greatly increased and those of the Congress correspondingly diminished, namely, by the provision that an appropriation could be voted only by a two-thirds majority, unless asked for by the head of a Department. Such a provision, if in force in time of peace, would radically change the character of Congressional government in the United States, possibly in the direction of economy and better fiscal good order. In time of war it had little if any effect, as the appropriations were voted on the recommendation of the Secretary of the Treasury without much scrutiny, and no rival districts or sections were concerned in securing a share of them. Another constitutional provision, which aimed at improving the character of legislation, required every law to relate to but one subject, and that subject to be expressed in the title of the law — a favourite device for blocking ill-advised and confused legislation, but one which was never applied in the history of the Confederate States, as all important laws covered a large variety of subjects, few of which could be expressed in their titles.

The war powers of the executive as well as of the legislative branches of the government, namely, the right to declare martial law, to conscribe, to call out the State militia, and to impress goods for the use of the army, were all left unchanged by the Confederate Constitutions and as indefinite as they had been previous to the war. The rather vague provisions of the United States Constitution regarding the suspension of the writ of *habeas corpus* were copied *verbatim*. In the spring of 1862, after the disastrous fall of Forts Donelson and Henry and of New Orleans, martial law was declared in various districts. In the summer of 1864, and again toward the close of the war, the writ of *habeas corpus* was suspended. In each case this policy aroused bitter opposition, especially in North Carolina and Georgia, Vice-president Stephens even lending his influence toward making the opposition effective. In the above-mentioned States the local Courts put great difficulties in the way of carrying out the Confederate policy. However, in suspending the functions of civil government, the central authorities

did not employ the extreme measures put in force by the Washington government during the same years.

In the policy of confiscating the property of Northerners the Confederate States went much further. By a series of Acts such property was made payable to the Confederate government in exchange for bonds. The commercial debts due to Northern creditors were especially aimed at. The results of the policy were meagre, for few Southern debtors sought to rid themselves of the claims upon them ; and, owing to the invisible and intangible character of the property concerned, the government found little to confiscate. Less than $400,000 (specie value) was paid into the public treasury. This questionable practice of confiscating debts due to an enemy was declared constitutional by the Courts, though strongly opposed by some who, adhering to the traditional strict interpretation of the Constitution, held that no such power was given by that instrument to the Congress. The State legislatures, as usual, followed the example set by the central government, and passed Confiscation Acts that were equally ineffective from a fiscal point of view.

As the war progressed and grew in dimensions, the necessary powers of the central authorities became more and more pronounced ; and an inevitable conflict arose between the notion of a confederation of sovereign States and that of a powerful centralised government in Richmond. The development of a strong military power could not be reconciled with a loose federation of independent States. In interpreting the Confederate Constitution in favour of the former principle, the Attorney-General did violence to the treasured doctrine of States rights which the exigencies of the war dissipated. In the spring of 1862 the first Conscription Act was passed, enrolling in the army all white residents within certain age limits. In February, 1864, another similar but more stringent measure was adopted. This policy aroused much particularist opposition and outspoken disaffection in the States, especially in Georgia and North Carolina, where Stephens and Governors Brown and Vance put great difficulties in the way of the Confederate authorities carrying out the conscription. The relations between the State militias and the Confederate War Department were a constant cause of irritation. In North Carolina the feeling for States rights was most pronounced. In the summer of 1863 disaffection became general, and was crystallised in the so-called Peace Party, of which W. W. Holden became the head. Numerous public meetings were held to denounce the military despotism of the Richmond authorities and their encroachments upon the proper sphere of the State governments. The movement culminated in the political campaign of 1864, when Governor Vance was re-elected, defeating Holden. The former had abandoned his particularist attitude, and championed the cause of the central government. In North Carolina, as elsewhere, there were threats of seceding from the Confederacy ; and it is an open question whether the South would have held together

politically had the war lasted much longer, or even if the result had been different. The war accentuated the natural antagonism between those districts of the South where slave-holding predominated and those where slaves, for industrial reasons, did not exist in large numbers. It was claimed that the war was being carried on for the benefit of the slave-owners, primarily the cotton-growers, but at the expense of the other sections of the population. That the raisers of food-produce bore the largest part of the burden of the war is clear from a study of the Confederate finances.

From the outset the Confederate Treasury relied mainly upon loans. The first issue of bonds was authorised in February, 1861, and was known as the Fifteen-million Loan. Interest at 8 per cent. was secured on the export duty on cotton. The government obtained the desired $15,000,000 in specie, principally through the generous help of the New Orleans and Charleston banks; the proceeds were sent abroad for the purchase of war supplies. The amount, in addition to the funds seized in the United States' mints and custom-houses, constituted practically the only supply of specie that the government ever secured. The loan was the only successful one of a long series attempted during the war.

In May, 1861, a further loan of $100,000,000 was invited. Owing to the banks having suspended specie payments, and to the absence of an investing class, subscriptions to at least a part of the loan were made payable in agricultural produce. This was the first of a series of produce loans, through which the government accumulated both food material for the army and also large quantities of cotton. Before the end of 1861, 400,000 bales of cotton were subscribed. The policy met the wishes of the impoverished cotton-planters, who were shut out of their customary market and welcomed the appearance of the government as a buyer of their produce, even if payment were made in bonds whose value was rapidly declining. These planters were loud in their demands for relief by the banks or by the government. The latter met their wishes by extending the produce loan system in 1862 and 1863, and by allowing them to retain the hypothecated cotton on their plantations. The State governments too were drawn into the practice of borrowing cotton by the issue of bonds.

The central and State governments thereby accumulated a stock of cotton, which they attempted to hypothecate abroad, by using it as a basis for foreign loans. The authorities had from the outset been urged to buy the entire cotton crop; the notion prevailed that thereby they would acquire a valuable asset, on the security of which they could effect advantageous loans abroad. The hope of political recognition by the great European Powers had been dissipated by the skilful diplomacy of the representatives of the United States government in foreign capitals, notably by that of Charles Francis Adams in London. The desire for financial recognition abroad was equally strong, and more was

accomplished in that direction. Early in the war Confederate foreign agents, among whom Caleb Huse, J. D. Bullock, C. J. McRae, and James Spence were conspicuous, were despatched to purchase supplies abroad.

As the growing scarcity of cotton drove up its price in the Liverpool market, from 7*d.* a lb. at the outbreak of the war to nearly twice that amount in the early months of 1862, and to 2*s.* 1*d.* before the end of that year, the desire of the Confederate government to realise upon its accumulated stock of cotton led it to approach some foreign bankers who might be willing to enter into the speculation involved. The banking firm of Erlanger agreed in January, 1863, to guarantee a loan of £3,000,000 at 77. Interest at 8 per cent., as well as an annual amortisation of $\frac{1}{20}$ of the principal, was payable in gold and in Europe. The bonds were payable in cotton at 6*d.* a lb.; delivery to be made within the Confederacy. Six months after the declaration of peace this exchange was to cease; and the bonds were thereafter payable at their face value in gold. The bonds were favourably received and subscribed for at 90, but they soon began to decline, and continued to fall till the end of the war. The news of Federal victories drove them down, the rumours of repulses of the blockading fleet temporarily drove them up. The bonds were quoted at a much higher figure than were other Confederate issues, owing to the mistaken notion of the security offered by the large amount of cotton held by the Confederate government. After the war they continued to be quoted, and there was talk of urging the United States government to assume the debt. So late as 1876 and even 1884–5 the hopes of the unlucky bondholders were revived; but of course neither the Federal government nor those of the States felt bound to assume the obligations of the defunct Confederacy. The loss to the bondholders was not balanced by a corresponding gain to the Confederate government. The commission charged by Erlanger for floating the loan and paying the interest charges was large; moreover, $6,000,000 were wasted by the Confederate agents in a futile effort to "bull" the bonds in the foreign market. The loan netted for the government about $6,000,000, which were spent in buying ships and war supplies, a large part of which never reached their destination.

The issue of bonds by the Confederate government was difficult, owing to the insignificant revenue at its command, and the consequent derangement of its finances. The government met with little success in obtaining voluntary loans from the lending public, and was driven to adopting forced loans, primarily by means of the issue of paper money. During the first five months of its existence the Confederate government borrowed eight times as much by issuing bonds as by issuing notes; thereafter the relative importance of bond issues declined rapidly. During the four months ending November, 1861, $4·47 in notes were issued to every $1 in bonds; during the following three months the

figure rose to $4·84; and during the following months ending August 1, 1863, to $31·36. Issues of notes in increasing amounts followed each other in rapid succession. The first batch, issued in March, 1861, bore a low interest; the smallest denomination was $50; and the amount authorised was only two millions. They were intended as a temporary expedient, and fell due in one year. In the following issues the amounts authorised were increased, till in September, 1862, no limit was set. The date of redemption was also deferred further and further, first to two years, then to six months after a prospective treaty of peace with the United States, and subsequently to two years after such peace. The denominations of the notes were also successively lowered; and in 1863 fractional dollar notes were issued. On the basis of these laws the amounts of outstanding notes increased prodigiously. About $1,000,000 in treasury notes were in circulation in the summer of 1861; by the end of that year the amount had increased to above $30,000,000. It rose to above $100,000,000 by March, 1862; to $200,000,000 by August, 1862; and reached perhaps $450,000,000, by the end of that year. A year later twice that amount was in circulation; and before the end of the war a further increase had been made, though after the autumn of 1864 the figures are purely conjectural.

During these years the government made constant but futile efforts to reduce the amount of notes in circulation by encouraging or compelling the noteholders to treat the notes as an investment and hold them instead of passing them on in their purchases. With this end in view some of the notes bore interest, for instance the large issue of 7·30 per cent. notes of 1862. Such interest-bearing notes were, nevertheless, not locked up, but inevitably passed into circulation, and contributed to the inflation of the currency. With the notes falling in value owing to the declining credit of the government, the noteholders naturally felt impelled to pass them on by converting them into some commodity by purchase, in preference to retaining them and bearing the inevitable loss from their shrinking value.

In all the early note-issues a provision making the notes exchangeable at par for interest-bearing bonds was introduced, with the hope of thereby correcting the tendency towards redundancy in the currency. It was supposed that if the notes declined in value, that is, were quoted at a discount in gold, the holders would at once exchange them for bonds, thereby reducing the amount of paper-money in circulation. In this hope the government was disappointed; for the value of the bonds fell with that of the notes, and the noteholders found no advantage in making the exchange, but continued to hold and circulate their notes. The government gradually introduced provisions to compel them to make the exchange. The first Act of the kind was passed in March, 1863, by which the notes issued before the previous December were no longer fundable in bonds after August 1, 1863; notes issued later than

December 1, 1862, were made fundable in a low interest-bearing bond after the following August. As a result of this measure some 100 millions of notes, perhaps a sixth of the amount outstanding, were actually funded in bonds before the latter date ; but a further provision authorising a monthly issue of 50 millions of new notes prevented an actual reduction of the amount outstanding, which continued to increase. This first Funding Act was a virtual breach of faith, however favourably its provisions were interpreted, and paved the way to a similiar but more drastic Act of the following year, to which the Congress was driven by the desperate condition of the Confederate finances during the winter of 1863–4.

The Funding Act of February, 1864, carried further this policy of compelling the unwilling noteholders to withdraw their notes from circulation and exchange them for bonds, by taxing the outstanding notes one-third of their face value. Notes in denominations of $5 and less were to be thus taxed on July 1, 1864 ; notes in denominations larger than $5, that is, the bulk of those in circulation, on April 1; while notes for $100 and larger amounts were to bear an additional monthly tax of 10 per cent. This radical measure was hotly debated, and met with much opposition. It passed, but, as was foreseen by many, it failed to diminish the amount of notes in circulation. Comparatively few notes were funded, either at par or at two-thirds of their face value ; and the heavy tax could of course only be collected from noteholders when offering them for bonds. This the Public did not do, but preferred to retain the discredited notes and use them in purchasing or speculating in the market. They continued to fall in value more rapidly than ever before. In fact, the Funding Act was a declaration of bankruptcy, and wrecked the Confederate finances. It nominally forbade further issues of notes, but could not prevent the government from meeting its obligations thenceforward with a variety of interest-bearing certificates and bonds, and with a huge mass of floating debt, the dimensions of which at the end of the war are largely a matter of conjecture. The Funding Act had been urged upon the Congress by Memminger; and its failure to accomplish the hoped-for results led to his resignation in June, 1864. He was succeeded by George A. Trenholm, a man better fitted by previous experience for the position of head of the Confederate Treasury. It was too late, however, to establish an effective financial policy, though Trenholm made heroic efforts to secure a revenue for the government during the months of its decline.

The dread of heavy taxation prevented the Confederate government from adopting a policy which would have brought in a revenue and sustained its credit. As at the time of the Revolutionary War, popular feeling was strongly opposed to assuming the burden involved in a stringent tax system in addition to the other burdens of the war. At the outset of the Civil War Memminger's recommendation of a direct tax of

$15,000,000 led to no effective legislation. The Congress merely pledged the government to provide a revenue sufficient to cancel the bonds. It furthermore deferred action by calling upon Memminger to collect information regarding the tax systems of the various States. This information was presented in July ; and finally in August, 1861, an Act was passed laying a tax of ½ per cent. on all property, in addition to the customary general property tax of the local governments. The tax was apportioned to each State, which was at liberty to assume its quota by paying the amount with a rebate of 10 per cent. to the central government. Nine-tenths of the tax were thus assumed by the States, which borrowed the necessary sum by the issue of bonds or notes, and thereby avoided the necessity of taxing. One-tenth, at most, of the tax was actually raised by taxation. In all, the Confederate government secured some $18,000,000 ; but delays in collection had been encouraged by the rebate provision and by other laws postponing or even suspending the enforcement of the tax. The assessment, as made by the government officials, placed the valuation of all taxable property at 4221 millions ; one-third of this amount represented slaves, another third real estate, and less than one-eighth money at interest. The difficulty of levying taxes upon slaves and land was very great ; and the government in levying any taxes payable in money was obliged to accept its own depreciating notes in payment, and then to enter the market and purchase supplies for the army, the price of which was constantly rising. In order to remedy this difficulty the next Tax Act provided for a tax in kind similar in character to the produce loans alluded to above.

The Act of April, 1863, levied a general tax of 10 per cent. on agricultural produce, payable in that produce in March, 1864, direct to the army for its use, the similar tax on cotton being paid to Treasury officials. The same Act also taxed agricultural produce, manufactures, and money 8 per cent., and profits of the wholesale trader in food-products, 10 per cent. It also levied an income-tax, and provided for an elaborate license system. This was in reality the first effective tax measure of the Confederacy ; but its operation was delayed, and during the year following its enactment only $3,000,000 (specie value) had been collected. The constitutionality of this tax, it being a direct tax and not apportioned among the States as the Constitution required, was seriously questioned ; but the question could not be authoritatively determined except by a Supreme Court of the Confederacy. The establishment of such a Court was never undertaken by the Confederate Congress, owing largely to a desire not to wound the particularist sentiment for States rights ; since the existence of a Court with appellate jurisdiction over the highest State Courts would inevitably have brought on a conflict between the local and the central governments.

The farmers of the South felt the great burden of the tax in kind,

and in many districts were bitterly opposed to it. During the six months following April 1, 1864, an amount of food-products was collected from them sufficient to feed 1,000,000 soldiers for one month on the basis of the legally established army ration. The demand for relaxation was answered by the Congress, and the tax amended accordingly. In particular, the payment of the tax in money instead of in produce was allowed in exceptional cases; whereby the burden of the tax was generally lightened, and the farmer enabled to keep his produce and sell it on the rising market. Additional Tax Acts increased the rates in the spring of 1864, and again towards the end of the war. But it is clear that taxation did not weigh very heavily on the Southerners, except upon the producers of food. These bore the chief burden of the war under the financial policy of the Confederacy, fed the armies, and were impoverished thereby.

The finances of the individual States and local governments reflected the financial policy of the Confederacy. The collection of taxes was often postponed or even suspended; and, even where extraordinary war-taxes were levied, the results were meagre. Taxes in kind were attempted in some States. But, in general, the States, counties, and cities followed the example of the central government, and adopted a loan policy early in the war, issuing large amounts of bonds and notes. The latter contributed to the redundancy of the currency, but met a popular demand for more currency in view of the rising scale of prices. Private corporations and individuals, especially railways, manufacturers, and large dealers, also met this demand with large issues of notes that circulated widely. Futile efforts were made to prevent their circulation, and also to check the prevalence of counterfeits, the circulation of which was favoured by the poor workmanship of the government notes.

The financial history of the Confederate States hinges on the wholesale issue of paper-money and the consequent derangement of prices, which destroyed legitimate business, encouraged wild speculation, and, by undermining the industrial structure of the South, contributed in no small degree to the final downfall. As note issue followed note issue, the paper-money fell rapidly in value. Gold was first quoted at a premium in paper in May, 1861; it rose to 20 per cent. by the end of the year. By the end of 1862 a gold dollar was exchanged for three in paper; a year later, for 20; in December, 1864, for nearly 40; and during the closing months of the war, for an ever-increasing amount, the final quotation being perhaps 1000. This gold premium in its upward movement followed in general the increased issues of government notes. Its fluctuations from month to month, however, reflected more accurately the popular feeling in the South as to the probability of a successful issue to the war. The complementary movements of the gold premium in the North offer a similar means of estimating popular sentiment in that quarter.

The gold premium in the South rose most rapidly in the spring of 1862, in the midsummer of 1863, in the first months of 1864, and in the first months of 1865, namely at the times when the affairs of the Confederacy were approaching a crisis. The spring of 1862 brought the first decisive Northern victories after the long period of inaction following the battle of Bull Run; in the interior Forts Henry and Donelson fell; the hopes of the Confederate navy were dashed by the *Monitor*. Above all, the Mississippi valley was opened by Farragut; New Orleans was lost; and the trans-Mississippi States were cut off from the rest of the Confederacy. These desperate straits led to the suspension of the writ of *habeas corpus*, the proclamation of martial law, and to the passage of the first conscription law.

These brilliant successes of the North were not, however, successfully followed up. Vicksburg continued to resist; the Peninsular campaign was a disastrous failure; the second battle of Bull Run, General Bragg's operations in Kentucky, and General Lee's first advance into Maryland followed. These events depressed the feelings of the North, and correspondingly raised those of the South. The gold premium in the Confederacy rose less rapidly. A change occurred in the summer of 1863, and the gold premium rose more rapidly, when the capture of Vicksburg by General Grant and General Lee's withdrawal from Pennsylvania after the battle of Gettysburg depressed the hopes of the South. They were raised, however, during the autumn of 1863, and the hopes of the North correspondingly depressed, by the successes of General Bragg near Chattanooga and General Lee in Virginia; but after the Republican victories at the polls in the North in November, and after the decisive Federal victory of Chattanooga, the gold premium in the South rose more rapidly than before. During this crisis in the affairs of the Confederacy a second Conscription Act, an Act for heavy taxation, and the notorious Funding Act were passed — all on the same day, February 17, 1864. During the following months the Federal army made little progress, and the hopes of the South rose again, till Sherman's advance and General Grant's successes outside Richmond raised the gold premium to unheard-of heights.

The inflation of the currency raised the prices of all commodities. In the case of those whose supply was wholly or largely derived from abroad in times of peace, the relative scarcity during the war added a further upward impetus. For instance, coffee rose to four times its usual price before the end of 1861; a year later to 25 times; in December, 1863, to 80 times; and in December, 1864, it was selling for 125 times the price that it commanded in time of peace. Cut off by the blockade from their customary supply of salt, the Southerners tried to obtain that article by the evaporation of sea-water and by working the few inferior natural salt springs in the interior. The quantity thus obtained was meagre, and did not prevent the price of salt from rising nearly as high

as that of coffee. The price of sugar and molasses, the usual supply of which was only partly met by the product of Southern plantations, also rose to great heights, as did that of all manufactured articles usually obtained from the North or from Europe. The price of all the above-mentioned articles in paper-money rose above their normal value in gold; or, in other words, owing to their scarcity, their price, reduced to a specie basis, rose above the general level of 1860. Consequently a great incentive was given to the discovery of substitutes for these general articles of consumption, roasted berries and seeds being used for coffee, some strong textile for leather, persimmon seeds for buttons, leaves for tea, and so on in great variety.

The rise in the cost of living led to many attempts to fix by law a maximum price for each article. Where martial law existed schedules of prices were established; or else the State legislatures penalised the demand of extortionate prices. Such legislation had the inevitable effect of enhancing the scarcity of commodities in the markets of the South; for producers withheld their goods from the markets when they were obliged to accept prices which left them no profit. The familiar device of price conventions was tried with the same result. When entered into by the body of buyers these conventions were simply organised efforts to browbeat the sellers by calling them opprobrious names, questioning their loyalty to the Southern cause, and threatening them with vengeance if they did not reduce their prices. Similar practices were common during the American Revolution and during the French Revolution. All such attempts to reduce the inflated prices of a paper-money *régime* create scarcity in the market and raise prices instead of lowering them.

The same results followed the practice, adopted by the Confederate government, of impressing goods for the use of the army instead of buying them in the open market. At first no compulsion was used; and the farmers of the South were induced to sell their produce voluntarily to the army. As the inflated currency drove prices up, Congress was persuaded that the government could avoid paying the high prices demanded, and passed an Act in March, 1863, providing for official boards of assessors to determine arbitrarily the value of impressed goods, if the owner and the military authorities could not agree on a price. It proved to be very difficult to coerce the producers of food-stuffs to sell at unremunerative prices. Farmers withheld their produce and hid it from the officials in preference to accepting a mass of depreciating paper-money. Moreover, they naturally reduced their crops of cereals when they feared a forced sale to the government at unremunerative prices; they correspondingly increased their crops of cotton and tobacco, which were less liable to government seizure. Here again legislation and popular agitation interfered; and attempts were made to restrict the cotton and tobacco crops. A limit was set to the number of acres

to be planted per hand employed ; and heavy penalties were enacted for exceeding it, though none were ever inflicted.

The paper-money policy and its natural concomitant, the arbitrary interference with prices, exaggerated the existing scarcity of provisions. The crops of Indian corn and wheat were abundant during the years of the war. Meats and cereals, though commanding increasing prices in currency, did not rise much above the 1860 level as expressed in gold. This was especially true in the agricultural districts remote from the cities and the seat of war — for instance, in North Carolina. The scarcity of food in the cities and in the army was certainly not as much due to deficient harvests or the inroads of the Federal armies as to the difficulty of attracting produce to the markets under the currency and impressment *régime*. Moreover, the latter policy led to a great accumulation of food material at points where, not being needed, it went to waste, while at other points the armies were suffering from want. Politically, the impressment policy aroused the bitterest opposition to the military authorities and the despotic powers that they exerted.

The enormous issues of irredeemable paper-money engendered notions about the currency such as usually characterise a period of inflation. As prices rose with the prodigious issues of treasury-notes and with the general increase of bank-notes, the currency, it was claimed, was not sufficient for the business needs of the South, and demands were made for an increase. It was seldom understood that a further redundancy of notes would create greater relative scarcity by driving prices still higher. A parallel to this movement is found in every period of paper-money inflation in the United States, as well as in the history of the *assignats* in France.

The history of Southern banks during the war illustrates the same demand for an increased currency. At the beginning of the war all banks in the South had suspended specie payments except those at Mobile and New Orleans. The latter held out till September, 1861, when they too fell into line with the others. As the tide of paper-money rose, the banks were authorised and encouraged to enlarge their note issues, and did so. They were also drawn into the prevailing speculation in government securities and cotton. New banks and similar concerns were founded for the special purpose of speculating in the fluctuating value of commodities, and of meeting the clamour for paper currency.

This popular clamour for more currency tends to pass, in all cases of a deranged money system, into the "fiat money" doctrine. The notion that paper-money is the ideal money, and creates wealth without the intervention of the banks, and without reference to a specie commodity, was prevalent in the South. We find there in embryo the philosophy of "greenbackism," which played such an important part in the later political history of the United States. The various notes in circulation in the South became so debased and discredited that in many districts

the paper-money of the North gained a foothold. Legislation and popular appeals were helpless against the invasion of the enemies' currency, which circulated freely and became more and more acceptable as the Confederate currency declined in value. Even the government found it advantageous to handle it, and was not above speculating in it, though the law strictly forbade individuals from dealing in United States currency. The utter collapse of the Confederate currency is further evidenced by the general return to barter, with a view to escaping the hopeless confusion due to the paper medium of exchange, just as the produce loans and taxes in kind had similarly aimed at avoiding the difficulty. Towards the end of the war people generally cut themselves loose from the paper-money system, and bought and sold in kind, just as they had been paying their taxes and subscribing to government loans in produce.

The deficiencies of transport and communication produced local differences in the prices of Southern commodities. Moreover, the varying fortunes of the Confederacy and the sinking of its credit produced great fluctuations in those prices as expressed in the paper currency, with a general and rapid upward tendency. On the basis of these violent price movements was developed a form of wild speculation, as uncharacteristic of the non-commercial traditions of the South as it was typical of all periods of deranged currency, such as the years previous to 1873 in the United States, or the period of the French Revolution, or the later experience of Austria and Italy. As a result of the constantly rising prices of goods, it was greatly to the disadvantage of the note-holder to keep his notes. He was forced to buy goods with them in order to avoid loss. Everybody became a speculator. It seemed impossible to lose on the rising market. The rising scale of prices made speculation inevitable ; it was not primarily the speculators who made prices rise. However, they were constantly reproached for enhancing prices. It was claimed that they were depressing the value of the currency by their operations, that they were draining specie from the country, and that they were spreading disaffection and discrediting the government. Legislation, especially in the individual States, was aimed at curbing speculation, but with no results. Speculation in specie was particularly odious to the legislatures ; and futile attempts were made in the South, as in the North, to prevent what was a necessary outcome of the deranged currency. In fact, the government itself was irresistibly driven to speculating in gold. Army and Treasury officers who held public funds in paper-money were easily tempted to take advantage of the fluctuating gold premium and try to enlarge their holdings.

The prices of cotton and tobacco were least affected by the redundancy of the currency. After the middle of 1861 the price of cotton, reduced to specie value, never rose above the 1860 level, but fell far below it. At the same time the price of cotton in the North and in

Europe doubled before the end of 1861, quadrupled by the end of 1862, and during the last two years of the war reached five and six times the figure at which it had stood in 1860. This divergence between North and South in respect of the price of cotton and tobacco put a great premium upon attempts to export these two articles, produced in large amounts in the South and urgently demanded in the North and in Europe. On the other hand, large profits rewarded the efforts of the venturesome merchant who exchanged these exports for foreign goods, such as coffee, bacon, and war materials, imported these, and sold them in the South where, as we have seen, the prices were driven up to exorbitant heights. The efficiency of the Federal blockade prevented such trade from reaching any large dimensions. The blockade of the Southern ports was declared in April, 1861, and was at once carried out by the United States navy. Exports and imports were soon cut down to an insignificant figure ; but, small as was the quantity of goods imported and exported, the profits of the trade that eluded the watchful blockading fleet were enormous, and enriched a considerable number of merchants. Fast vessels of light draught were equipped to carry cotton, especially from Charleston and Wilmington, to some port in the West Indies, for instance to Nassau or Havana, where the cargoes were transshipped to larger vessels, reached England, and were exchanged for so-called blockade goods which returned to the Southern ports. The frequent captures by the Federal fleet did not wipe out the large profits of such transactions. The Confederate government itself was drawn into these ventures. During the first two years of the war it shipped 31,000 bales of cotton to Liverpool. It engaged steamships for the purpose, and joined with individual speculators in trading ventures exactly as the Continental Congress had done nearly a century before. The individual States, too, engaged in blockade-running, especially North and South Carolina, Georgia, and Texas. This practice led to inevitable conflicts between the central and State governments, and between the governments and the individual traders.

The profitable nature of this contraband trade acted also as a stimulus to extensive commercial relations with the North. Along the borders of the Confederate States, in Virginia and Louisiana, and on the Mississippi, such an exchange of cotton and tobacco for salt, coffee, and similar articles from the North was at times quite brisk, and had to be winked at by the military authorities, although in law it constituted a treasonable act. In fact, there was a constant conflict of motives throughout the war, one favouring free commercial intercourse with other countries, another leaning to restrictions on it. At the outset a free-trade policy was pursued, on the theory that the South had everything to gain and nothing to lose by attempting to get its supplies from abroad. Subsequently the government policy played into the hands of the Federal blockaders by restricting the exportation of cotton and the

importation of foreign articles. So with the fairly brisk trade carried on over the Mexican border. At first it was encouraged as a means of securing a foreign supply of war materials ; but when it grew more hazardous and therefore more profitable, in consequence of the Federal troops establishing themselves in that neighbourhood, a policy of restriction was adopted. The government was anxious to share in the profits or to monopolise the trade. Just as was the case during the Revolutionary War, laws were passed to forbid the exportation of cotton and the importation of foreign supplies ; but the government was allowed to make exceptions in cases where it was admitted by the individual trader to a share in the profits. Another motive that entered into this restrictive policy was the hope of forcing the European governments to recognise the Confederacy, by creating a scarcity of the much-needed cotton. The embargo, however, proved ineffective for this purpose, and merely helped the Federal blockade.

The operations of the Federal fleet contributed as effectively, though not as obviously, as did those of the army to the overthrow of the Confederacy. The blockade forced an economic isolation upon the South which weakened her power of resistance. Her resources were much inferior to those of the North, and, owing to the blockade, they could not be effectively employed. The paper-money policy undoubtedly also contributed to that end, and sapped the industrial strength of the Confederacy. The Civil War represented for the South a conflict with overwhelming odds. The South contained a population only about half as large as that of the North. It had no large trade centres, except New Orleans and Charleston ; and the more important of these two cities came into the possession of the Federal authorities a year after the opening of hostilities. The South had no manufactures comparable with the enormous industrial resources of the North ; and its railway system was inferior. That the war lasted as long as it did was due to the brilliant generalship of the Southern military leaders, pre-eminently of General Lee, and to the heroic efforts made by a devoted people to avoid the inevitable result. It may be doubted whether any other people has ever made such sacrifices for any cause. The destruction of wealth by friend and foe was unparalleled ; and the South was left in a state of impoverishment from which it is still but slowly recovering.

CHAPTER XX

POLITICAL RECONSTRUCTION (1865—1885)

THE war of secession altered profoundly the governmental ideals and methods, the economic life, and the whole social structure of the United States. Long before Lee's surrender it had become evident to all intelligent men that a return to the old conditions was impossible ; and upon the final collapse of the Confederacy the question at once became pressing as to what should be done to reconstruct the government and establish it upon enduring foundations. The problem was threefold. In the forefront stood the questions presented by the conquered Southern States, whose condition in 1865 seemed appalling. Four years of desperate exertions to raise and equip armies, the ravages of campaigns and raids, the effect of a merciless blockade, and the emancipation of slaves by the Federal armies, had reduced the Southern people to bankruptcy. Mills, railways, and bridges were destroyed ; banks were empty ; capital had vanished. The temper of the defeated people, in such circumstances, could not be other than bitter and despairing. Open resistance was at an end ; but a deep-seated hatred of the North, whether recklessly avowed or veiled by a sullen submission, animated most of the Southern leaders. They had staked all and lost. Here and there men of a different cast of mind advocated making the best of a bad plight, and turned from public affairs to the task of restoring their ruined plantations ; but, whether resigned or resentful, all alike retained a fervent faith in the justice of their lost cause. How these communities of ex-Confederates were to be restored to a participation in the Federal government without severely straining its operation was the first question confronting the North.

A still more perplexing part of the Southern difficulty was presented by the four millions of negroes. The greater number of these had gained their freedom through the Emancipation Proclamation and the

Confiscation Acts; but the thirteenth amendment, abolishing slavery, had not yet been ratified, and apparently could not be so without the votes of some of the seceded States. The freedmen in 1865 were an element in the South utterly unlike anything previously dealt with by the country. Entirely ignorant, untrained, as a rule, except for servile occupations, lacking any civilised customs of domestic or public morality, and devoid of economic instincts, the former slaves formed an alien race fitted in no single respect for citizenship. Childlike in mind and habits, they interpreted their new liberty to mean simply release from restraint; and they began in 1865 to wander away from their home-plantations, to enjoy the delights of idleness, to indulge any thievish or immoral propensities to the full, and to work no more and no longer than they found agreeable. What should be done for these unfortunate people? Should the task of controlling them and attempting to improve their lot be left to their former masters, or should it be assumed by the Federal government? For the time being, at the close of hostilities, military supervision answered these questions. Federal armies kept order, and Federal generals exercised an unlimited authority over the Southern people; while a Freedman's Bureau, also under military direction, devoted endless time and patience and large sums of money to protecting, helping, and even feeding the negroes. But this system was obviously temporary: what was to follow it as a permanent policy on the part of the North?

A further complication in the problem of Southern reconstruction was the uncertainty as to the legal basis for any action proposed. The Federal Constitution made no provision for secession or restoration; and the powers of the central government over the conquered communities, which from the necessities of the case ought to be as wide as possible, were left to be inferred from a few meagre clauses open to various interpretations. Military control for an unlimited period, which would have been the obvious policy for a European government, was impossible under such a constitution as that of the United States. Moreover the habit of legal action and constitutional procedure was ingrained in the American mind; and the moment the clash of arms ceased this tendency asserted itself. The only possible way of attacking the Southern problem, in the opinion of most American leaders, was by some legal, constitutional, federal process.

Scarcely less difficult than the Southern question appeared the financial problem. It involved the reduction of heavy war taxes, the readjustment of the revenue, the refunding of an enormous debt, and the restoration of an inflated and depreciated paper currency to a specie basis. During the war the country had become used to extravagant expenditure by the Federal and State governments, and to reckless speculation; now, on the arrival of peace, it was at the height of an era of industrial and agricultural expansion. Could the return to

normal conditions be successfully carried out in the midst of such an economic situation?

Less burdensome but still threatening were foreign relations. The war left the United States with scores to settle against both Great Britain and France on account of what the people of the North considered the favours shown by both these nations to Confederate privateers. France, moreover, was involved in an enterprise in Mexico which was regarded with suspicion and disapproval. It remained to be seen whether the North, flushed with its success, could settle these and other foreign questions peaceably and satisfactorily.

The gravity of these problems was not lessened by the composition of the party in power in the North in 1865. Since the outbreak of the war, the control of public affairs had been in the hands of "Union men," who during the crisis, had eschewed the name Republican or Democrat, and appealed for support on the single issue of union against disunion. The political leaders, accordingly, represented all shades of former opinion; for, while the majority termed themselves Republicans, many had been, until 1861, Democrats, Know-Nothings, or Whigs. Upon questions of foreign or internal policy, upon the Constitution, upon the finances, the tariff, or the currency, and upon the proper treatment of ex-Confederates or of negroes, there was no semblance of unanimity. Between ideal philanthropists, like Sumner of Massachusetts, at one extreme, and purely practical statesmen, like Morton of Indiana, at the other, there was but one common bond — a strong love of the Union, coupled with an intense feeling of resentment towards the South. Naturally these men were, one and all, bitter partisans, masterful in temper, intolerant of opposition, and hampered by no fine-drawn scruples. For four years men like Stanton in executive office, Stevens, Wade, and Sumner in Congress, Morton and Johnson as governors of States, had been doing their utmost to maintain the Union against Confederates in the South and a steady opposition in the North; and it was their pugnacity and energy which had brought them to the front. Now that peace had come, these new problems were certain to evoke every possible difference of personal opinion among them. Opposed to the Union men stood the Democratic party, drilled by the habit of generations into so steady a discipline that, even when its leaders, blinded by passion, had gone to the verge of treason in their opposition to Lincoln's Administration, the mass of voters had still followed them. Always sympathetic toward the South, ready to oppose anything advocated by the war leaders, this Democratic minority stood waiting its opportunity.

It was not until six years after the close of the war that Reconstruction was definitely accomplished, and that the financial and foreign questions were settled. The principal cause of this delay was a difference of

opinion between the successive Presidents, Lincoln and Johnson, on one side and the majority of the Northern political leaders on the other, as to the objects to be aimed at in the reconstruction of the South, and the proper means for carrying it out.

When the war closed, three lines of policy were advocated, each, as was inevitable, claiming to be based on the only true interpretation of the Constitution. Those who, like Lincoln and Johnson, held the extreme view on the side of leniency, maintained that secession had no legal effect beyond incapacitating those persons participating in it from performing their constitutional duties; that this incapacity could be removed by executive pardon; and that, so soon as this was accomplished, State governments could be re-established, and could resume the normal functions of States in a Federation. The extreme view, urged on the other side by Sumner and Stevens, was that secession had had the effect of destroying the Southern States, so that Congress could do whatever it pleased with the territory formerly occupied by them. A third and intermediate view was adopted by the majority of Republican leaders. Those who held it maintained that secession had not destroyed the statehood of the Southern commonwealths, but had caused them to forfeit their rights as States under the Constitution; and that it appertained to Congress in its discretion to restore these rights under the clause of the Constitution guaranteeing to the States a republican form of government. Constitutional theory was framed, as usual, in accordance with the temperament and desires of the persons who proclaimed it.

Lincoln, a man of magnanimous character, believed that a policy of amnesty, with a prompt return to civil government, would be far more likely to secure co-operation from the defeated insurgents than a continuance of war methods. Accordingly, in his proclamation of December, 1863, he offered amnesty, on condition of taking an oath to support the Constitution and all laws or proclamations concerning Emancipation, to all persons except those who had held high office under the Confederacy or who by leaving the Federal service to join the South had already violated an oath to support the Constitution. As soon as the oath should have been taken by a number of persons in any State equal to one-tenth of the voters of 1860, a new government might be formed; and, in accordance with Lincoln's plans, new governments were set up in Virginia, Tennessee, Louisiana, and Arkansas. After the assassination of Lincoln, his policy was continued by his successor, Andrew Johnson, an honest, self-educated Union Democrat of Tennessee, with much crude ability, but without tact or refinement, and cursed by an ungovernable temper. Having begun his term with a violent denunciation of "rebels" as traitors who ought to be hanged, he surprised all parties by adhering closely to Lincoln's plans. On May 29, 1865, he issued a new proclamation, resembling Lincoln's in all essentials, but excluding a larger

number of classes from the privilege of taking the oath, the most significant being that comprising all persons owning property worth over $20,000. By this provision Johnson undoubtedly meant to shut out the great planters and former slaveholders from sharing in the work of reconstruction.

It was contrary to the political system of the United States that a Congress elected in the autumn of 1864 should, unless specially summoned by the President, meet until December, 1865. Johnson therefore had a free hand in the process which he now put in operation. For each of the conquered States, except those already reconstructed by Lincoln, he appointed in the early summer of 1865 a provisional governor, with instructions to aid in the formation of a new State government, and to insist on the performance of certain acts which would, in Johnson's opinion, safeguard the results of the war. The new State governments must abolish slavery, repudiate debt incurred in aid of the rebellion, and ratify the Thirteenth Amendment to the Constitution. This done, they were to be regarded as restored to their place in the Union. The Southern people, or such of them as were not excluded by Johnson's proclamation, were thus given the opportunity to resume civil government; and it rested with them to use it wisely or unwisely. On the whole, the President's offer met with a favourable response; the oaths were willingly taken; and an intention was manifested to make the best of things. Here and there excluded leaders hung back sullenly, or reckless young men defied Johnson's governors; but in every State there were found enough conservative men, former Whigs or Unionists, to carry through the programme urged by the eager President. Every State amended its Constitution so as to abolish slavery; most of them repudiated the Confederate debt; and all but two, Mississippi and Texas, ratified the Thirteenth Amendment. All but Texas had elected State officials by December, 1865; and, when Texas finally took action, Johnson felt warranted in proclaiming officially the end of the Rebellion. The proclamation was dated April 6, 1866.

The burden laid on the new governments was a heavy one; but they faced the situation with characteristic energy. Every State created Courts and imposed taxes. Every State passed laws relieving bankrupts and executors; all but two stayed executions for debt; and all but four provided relief for maimed and indigent Confederate soldiers. But most striking of all was the manner in which the new governments attempted to deal with the negro problem, now staring them in the face. Without going into detail, it may be said that their clear purpose was to keep the freedmen as a subordinate class, personally free but subject to strict legal control, special limitations, and peculiar penalties. Their status was defined in such a way as to enable them to sue and be sued, and to bear testimony in suits where a negro was a party; but intermarriage

with whites was forbidden, and a long series of crimes and minor offences were made punishable with special penalties. The most drastic laws bore evidence of an intention to force the negroes into semi-servile work. Vagrancy was made punishable by fine or forced service, old masters being preferred as lessees; labour contracts entered into by negroes were rendered inviolable under penalties of forced service; and apprentice laws provided for the binding out of negro children, former masters again being preferred. Finally, a variety of laws in certain States endeavoured to restrict the negroes, by a system of licences or by other devices, to the career of agricultural labourers. It need hardly be said that the new State governments failed to pacify immediately the distressed districts. Poverty and destitution prevailed; acts of violence and lawlessness continued; and the negroes, actively supported by the Federal military authorities, showed no tendency to submit to the new codes. Still, in spite of all drawbacks, the whites of the South had begun the task of reconstruction; and hope had returned to a devastated region. Moreover by the votes of these States the Thirteenth Amendment had been ratified, and it was proclaimed as part of the Constitution in December, 1865. So much, then, had been accomplished, for good or for ill, by the presidential policy.

But meanwhile an ominous spirit had been rising in the North. The majority of Unionists, lacking entirely the magnanimity of Lincoln or Johnson, regarded Confederates with a distrust and dislike too intense to permit them to see any distinction between Whigs and Democrats in the South, or to contemplate without alarm the restoration of the former slaveholders to their place in the Union. The Northern leaders felt that Reconstruction could not be regarded as a mere incident of the President's pardoning power, but should be dealt with by the representatives of the States and the people. This feeling they had already shown by the passing, in 1864, of a Reconstruction Act which Lincoln had refused to sign. When Johnson began his rapid process of reconstituting State governments, the people of the North looked on with distrust and soon with increasing anger. It seemed to them that their defeated enemies were being brought back into power, and the results of the war placed in jeopardy. The most sinister impressions were made by the reports of lawlessness and violence between whites and blacks, and above all by the negro codes, vagrancy laws, and apprentice regulations, all of which convinced the Union men that the lives and liberty of the freedmen could not safely be left at the mercy of their former masters. By the end of the year 1865 the feeling was widely spread and freely expressed that it would not do to accept the results of Johnson's action without additional precautions against Southern disaffection and safeguards for the negro. As to what form these should take, opinions varied widely, ranging from the radical utterances of former Abolitionists, who demanded negro suffrage as a panacea, to the

threats of partisans, who desired mainly some form of punishment for the Southern whites.

From the party point of view, Johnson's action was full of danger to the Unionists, since with the abolition of slavery the constitutional three-fifths representation of the negroes became full representation, adding several members to the Southern States in the House of Representatives. Should these, as was almost inevitable, join forces with the Northern Democrats the Unionist party might well be outnumbered, both in Congress and in the electoral colleges. Such a prospect called into activity every instinct of political self-preservation on the part of Unionist leaders. Some steps, all agreed, must certainly be taken to prevent such a calamity as the overthrow of the Unionist party.

When Congress assembled in December, 1865, the progress of reconstruction came to a sudden halt. Disregarding Johnson's message inviting recognition of the new State governments, the majority showed its temper by promptly excluding all senators and representatives from the South, and by appointing a joint committee to investigate the condition of the insurrectionary States; while leaders like Sumner, Trumbull, Stevens, and Shellabargar began an open attack upon the President's plan as inadequate and unconstitutional. It appeared, from the start, that only the small Democratic minority, with a very few Unionists, supported Johnson; and, within a short time, the hot-headed President and the determined Republican leaders came to an open rupture. Intent on furnishing some defence for the negroes against the black codes, Congress passed a law extending the functions of the Freedmen's Bureau. This Johnson promptly vetoed, taking occasion a few days later to denounce the leading Congressmen by name as traitors. His violence damaged his cause to such an extent that, when after an interval he vetoed a Civil Rights bill, also intended to destroy the effect of the Vagrancy laws, a two-thirds majority in each House immediately passed the bill over his veto. The breach was now irreparable.

By June, 1866, the issue was clear. The Joint Committee on Reconstruction had finished its work and had come before the country with a constitutional amendment and a report. The report expounded the theory of forfeited rights above referred to. It declared that Congress alone had the power to reconstruct the "rebel communities"; that the Johnson governments were illegal; and that the South was in anarchy, controlled by "unrepentant and unpardoned rebels, glorying in the crime that they had committed." Nevertheless these illegal State governments were held competent to ratify the Thirteenth Amendment; and another amendment was now submitted to them, which aimed at remedying the situation by disfranchising ex-Confederate officials, forbidding payment of Confederate debt, prohibiting any denial of equal rights to negroes, and providing for the reduction of the representation in Congress of any State excluding the negroes from

the ballot. A bill introduced simultaneously provided that any State ratifying the amendment should be restored to representation.

This amendment now became the issue in the Congressional elections in the fall of 1866. No more important campaign ever took place in the country; for the fate of the South hung in the balance. The rupture in the Union party was complete; and the Radicals fought with desperation to retain a two-thirds majority in Congress, since anything less would permit Johnson's veto to block all action. Each side made great efforts to rally popular support by holding Union conventions and soldiers' and sailors' conventions; and Johnson himself "took the stump" in the Western States with a series of passionate speeches whose vulgarity and extravagance did infinite damage to his cause. But, in any case, the unwise tactics of the Johnson Unionists in demanding immediate recognition for the Southern States as a constitutional right decided the contest. The feeling of the North, still bitter and unforgiving, supported the Congressional party, and returned an increased Radical majority in both Houses, thereby deciding the history of the country for the next generation. Had the Southern States been wise enough to read their fate in this vote and ratify the Fourteenth Amendment, they might have escaped years of bitterness; but the events of 1865 had restored their political hopes; and now, in the face of the repudiation of Johnson's plan by the North, all of them, except Tennessee, refused the offer of Congress by rejecting the Fourteenth Amendment with overwhelming majorities. When Congress assembled in December, 1866, the triumphant majority found their proposal thrown back at them by a defiant South. Clearly nothing was to be expected from the President and his followers. Matters appeared to be at a deadlock.

Then the leaders of the Radicals took control of affairs with relentless energy. They had come to the conclusion that the South must be reconstructed a second time; that Secessionists must be excluded from political life; and that negroes must receive votes, partly in order to defend themselves, and partly to guarantee a large body of "loyal," that is Republican, voters in the South. That their party, as a whole, did not favour negro suffrage in itself is shown by the fact that propositions to confer it in Northern States were defeated at the polls in Connecticut, Wisconsin, and Minnesota in 1865, and in Ohio, Kansas, and Minnesota in 1867, all these being strong Republican States. But its introduction in the South was urged by philanthropists as an act of justice to an oppressed race, by vindictive Northerners as a punishment for secession, and by partisan politicians as a party manœuvre. So the majority, contemptuously overriding Johnson's veto, forced through Congress, in March and July, 1867, a series of Reconstruction Acts, by which the "Rebel States," so-called, were placed under military government in five districts, and a registration of voters was decreed, from which a rigid oath was to exclude all classes meant to be disfranchised by the

Fourteenth Amendment, while negroes were to be included. By this electorate a constitutional convention was to be chosen in each State, which should draft a constitution containing the same suffrage qualifications; and, when this had been adopted by a majority of the registered voters in the State, and the State had ratified the Fourteenth Amendment, Congress, if it found nothing "unrepublican" in the process, could admit the State to representation.

At the same time Congress tied the hands of the executive. It provided that the first session of the Congress elected in 1866 should follow immediately upon the expiration of its predecessor, thus leaving no such interval of time as that used by Johnson in 1865. It made all military orders issuable only through the commanding General, known to be in favour of the Congressional policy. It passed a Tenure of Office Act, limiting the power of the President to dismiss officials by making the consent of the Senate necessary, thus blocking a proscription threatened by Johnson. Fearing unfriendly action by the Federal judiciary in a test case involving the validity of the Reconstruction Acts, it abolished the jurisdiction of the Supreme Court in such cases. Objections on constitutional grounds were lightly regarded by the relentless majority; they had a task to perform, and refused to be hindered by legal quibbles.

Furious debate, it is needless to say, raged in Congress from its meeting in December, 1865, increasing in acrimony during the next three years; but these were times when debate counted for little. The old days of elevated constitutional discussion were gone for ever; and, although both sides regularly invoked the sacred document, this became scarcely more than a matter of form, the result of ingrained habit. In fact, party considerations were absolutely dominant, the majority riding roughshod and regardless of mere words over President and minority. This party vindictiveness reached its height in an attempt to impeach the President, who regarded the Tenure of Office Act as unconstitutional, and tried to remove Secretary Stanton, his bitter enemy, in apparent defiance of its terms. In an explosion of rage the House voted impeachment, and brought Johnson to trial before the Senate in March, 1868. Public excitement was at fever heat, the President being subjected to a tempest of execration, and accused not merely of violating the law but of planning to get control of the War Department in order to carry out a *coup d'état*. The Senate, however, although strongly Republican, on technical grounds failed to convict him by the narrow margin of one vote. Seven Republican senators, who separated from their party in this vote, were ruined politically; but the decision is universally regarded at the present day as fortunate for the country and the stability of the Constitution.

Meanwhile the process of reconstruction laid down in the Acts of 1867 was being vigorously carried through; but it became clear that

before its entire completion the presidential election of 1868 would place the whole subject before the voters. And into this election another issue beside that of Reconstruction necessarily entered, namely, the question of the government credit. McCulloch, Secretary of the Treasury in 1865, set out to restore the finances to a peace footing as soon as possible; and in this he was at first aided vigorously by Congress. From the year 1866 onward war taxes were rapidly reduced, being withdrawn mainly from manufactures and internal trades, until, by the summer of 1868, the revenue had been reduced by $140,000,000. The enormous debt, attaining in 1865 a maximum of $2,800,000,000, was dealt with in a similar spirit. McCulloch, acting under authorisation of April, 1866, had exchanged, by the year 1868, nearly all temporary obligations for long-term bonds, and managed at the same time to reduce the debt by over $200,000,000. Finally, as to the legal tender notes, McCulloch urged a policy of contraction, and was authorised by Congress in April, 1866, to retire the "greenbacks" at a rate not exceeding $10,000,000 in six months, and subsequently at a rate not exceeding $4,000,000 in a month. In this way, by 1868, he had reduced the legal tender circulation by $66,000,000; but during this process there suddenly appeared in the Western States signs of unmistakeable inflationist sentiment. Such an outcry began against the retirement policy that in February, 1868, Congress, alarmed by an apparent shrinkage in prices, abruptly forbade further contraction. At the same time proposals to pay the principal of United States bonds in paper, and to tax the bondholders, were freely made in Congress and in the newspapers; and a Refunding Act, providing for coin bonds, was successfully vetoed by Johnson in July, 1868. This vital question, it was evident, as well as that of Reconstruction, would have to be decided by the presidential election.

At the outset the prospect for the Radicals seemed doubtful. In 1867 a revulsion of feeling in the North had thrown New York, Connecticut, Pennsylvania, and California into Democratic hands, and had caused an alarming shrinkage in Republican majorities. Clearly the "War Democrats" were returning to their old ranks on the negro-suffrage issue. The days for a Unionist party were past. When the Republican National Convention met in June, 1868, the doubts of the party leaders were reflected in their platform, which, while pledging the party to the fulfilment of the Reconstruction measures in the South, added that "the question of suffrage in all the loyal States properly belongs to the people of those States." On the financial issue the platform, less timid, demanded the payment of the public debt "in the uttermost good faith." General Ulysses S. Grant, the hero of the war, who had taken an active part in reconstruction, was unanimously chosen as Republican nominee for the Presidency. On the other side the Democratic party, much infected with inflationist feeling, settled its

internal dissensions in characteristic fashion. Governor Seymour of New York, a "hard-money" man, was nominated in July after a dramatic "stampede" in the convention, upon a platform which demanded taxation of the government bonds and their payment in "lawful money," that is, greenbacks, and also demanded immediate restoration of all the States, and "regulation of the elective franchise in the States by their citizens." Thus the two issues were fairly joined.

But, while the contest appeared not unequal on the surface, a new, and, as it proved, decisive element was brought into the field in the shape of a powerful Republican party in every Southern State. The beginnings of this new organisation are to be found in the process of reconstruction under the Acts of March, 1867. The plan then laid down had been carried out in every State. Registration had been followed by votes calling Conventions, and these by the election of Conventions, the drafting of Constitutions, and their submission to popular suffrage. But those who participated in this procedure were limited to the negroes, guided by army officers, miscellaneous Northern residents, and a very few native whites. The registration of the new electorate was accompanied in 1867 by the active effort to organise a Republican party through "Union Leagues," with such success that the State Constitutional Conventions not uncommonly acted also as Republican nominating Conventions. The new party and the new State were one. From this second reconstruction, with its return to military rule, its disfranchisement of Confederates and enfranchisement of the negroes, all Southern whites shrank with loathing and despair; but in 1868, with thousands disqualified and with the negroes held well in hand by the Republican leaders, they were overmatched. Only in Mississippi did they succeed in rejecting the new Constitution; elsewhere their efforts, whether they abstained from voting or offered open opposition, were fruitless; and by the summer of 1868 all the States but three — Mississippi, Virginia, and Texas — had been reconstructed and were under the control of the new Republicans. Congress immediately by an "Omnibus Act" restored seven of them to representation, having already restored Alabama.

This accession decided the election. Grant was easily successful, carrying all except four Northern and three Southern States, and receiving 214 electoral votes to Seymour's 80. But without the disfranchisement of thousands of Confederates, and the addition of the negroes, the result might have been exactly what the Republicans feared in 1865. Seymour would have carried all the South, and, with four Northern States in his favour, would have come very close to being elected. It was alleged by Democrats, and not denied by Republicans, that Congress had admitted the eight States in 1868 for the purpose of securing their electoral votes. There can be no doubt that the formation of a Southern Republican party out of the negroes was one of the principal objects of the

Congressional Reconstruction policy. This was avowed by Sumner, Stevens, Wade, and many others.

The election of Grant as President, with a Congress still largely Republican in both branches, and the successful ratification of the Fourteenth Amendment, guaranteed the completion of both political and financial reconstruction. The triumphant party now fulfilled its task. In the first place, in order to render the negroes secure in their right of suffrage, the Republicans, abandoning the ground taken in their platform, immediately proposed a Fifteenth Amendment, prohibiting any denial of the suffrage on account of race, colour, or previous condition of servitude, and submitted it in 1869 to the States. In order to aid in securing its ratification, its acceptance was added as a further condition of readmission in the case of the three States as yet unreconstructed, and also in that of Georgia, which now underwent a third reconstruction. In the case of Mississippi, Virginia, and Texas the difficulties as to the acceptance of new constitutions were solved by legislation submitting the drafts to popular vote, the objectionable clauses concerning disfranchisement being submitted separately in the first two States. These clauses were rejected; and all three States then adopted the Constitutions, ratified the Fifteenth Amendment, and were restored by Congress in 1870. The case of Georgia was peculiar, in that the whites, getting control of the legislature elected in 1868, had declared negroes ineligible and their seats vacant. Congress now retorted by passing an Act whose effect was to place Georgia once more under military government and subject its legislature to a thorough purging by the so-called "ironclad" oath, which turned out ex-Confederates and admitted Republicans. Then after the much-reconstructed State had ratified the pending amendment it was finally restored to its privileges in the Union. The Fifteenth Amendment, having with some difficulty gained the requisite number of States, was declared in force on March 30, 1870. The process of reconstruction was now complete so far as legislation and constitutional amendment could make it.

During this period Reconstruction was virtually sanctioned by the judicial department of the government, whose position had been regarded with distrust by Republicans, and with hope by the Southerners. The Supreme Court, under Chief Justice Chase, held at first an attitude distinctly ominous. In 1866, in the case *ex parte Milligan*, it declared military tribunals in a State not in insurrection to be unconstitutional; and in two other suits, *ex parte Garland* and *Cummings v. Missouri*, it had pronounced test oaths, framed to punish ex-Confederates, to be invalid. But when two Southern States, in a desperate effort to prevent Congressional Reconstruction, applied for injunctions against the President and the Secretary of War, to prohibit their executing the Acts of 1867, the Court, in the cases of *Mississippi v. Johnson* and *Georgia v. Stanton*, declined to interfere in matters political with another department of the Federal government. And a little later, in successive suits involving the

legal status of the Southern States during the Reconstruction period, Chief Justice Chase committed the Court squarely to the Congressional theory of the situation. A State — so the Court held in *Texas v. White*, 1869 — is an indestructible part of an indestructible Union. Secession does not destroy the State, but suspends its legal rights; and to restore these is the duty of Congress under the clause guaranteeing a republican form of government. Although in this case, and in *White v. Hart*, three years later, the Court carefully refrained from any decision as to the Reconstruction Acts themselves, these opinions substantially ratified the Republican policy. Legally as well as practically Southern Reconstruction was an accomplished fact.

In the same years the financial situation was placed on a definite basis. In the existing state of public opinion immediate retirement of the "greenbacks" was out of the question; but the Republicans in Congress passed a bill in the winter of 1869 pledging the faith of the United States to redeem its notes "at the earliest practicable period" in coin. Resumption was thus promised. Simultaneously the constitutional validity of the legal tender notes was established by the Supreme Court in a peculiar way. During Johnson's administration the Court showed in successive decisions a strongly antagonistic attitude toward the "greenbacks," culminating, early in Grant's term, in the famous case of *Hepburn v. Griswold*, in which Chase as Chief Justice delivered an opinion declaring unconstitutional the notes he had himself issued as Secretary of the Treasury eight years before. Almost immediately afterwards the membership of the Court was altered by resignations and the appointment of two new judges; and within a year, in the Legal Tender Cases, the Court, by a majority of one, reversed its previous decision, and re-established the constitutionality of the "greenbacks." It was loudly asserted that Grant had packed the Court; but this was true only in so far that Grant appointed strong partisan Republicans as judges — a policy perfectly inevitable in 1870. The prestige of the Court suffered with impartial persons; but the number of such persons was few at the time, and the country at large felt relieved by the decision.

The rest of the financial programme was carried out, on the whole, with success. Internal taxation was steadily reduced, until by 1872 little remained beyond a few excises. The debt, the repudiation of which was threatened by Democrats and advocated by Johnson, was placed beyond danger of payment in depreciated paper, first by an "Act to strengthen the Public Credit," vetoed by Johnson, but repassed by Congress and signed by Grant on March 18, 1869, which pledged the faith of the country to the payment of its bonds in coin; and secondly by the Refunding Act of July, 1870. By this the Secretary was empowered to refund the "five-twenties," which all became redeemable about 1870, in bonds at 5, 4½, and 4 per cent., running from ten to thirty years respect-

ively, and payable, principal and interest, in coin. The Republican party was not unanimous in support of these measures; but, since the Democrats were very nearly unanimous against them, the Republican majority fairly deserves the credit for them. While the government credit was by no means placed beyond the reach of attack, it had certainly been established on a safe basis. The financial future seemed assured.

An important result of the process of financial reconstruction was the fact that the country was committed to a policy of high protection. The industries taxed during the war had been granted ample duties on imports designed to compensate for their internal taxes. When the war ended, Congress, as has been said, rapidly wiped out these internal taxes, but, owing to pressure on the part of the manufacturing interests, refrained from altering the tariff rates. Bills to reduce duties were almost uniformly unsuccessful; and in 1867, 1869, and 1870 the rates were actually raised on wool and woollens, steel rails, copper, and a few other articles. By the middle of Grant's term the war tariff, imposed mainly for revenue, had, by remaining unaltered, become a highly protective one; and the manufacturing interests of the country had come to identify their prosperity with its retention.

Finally, to complete its record, the Republican party in 1871 took steps toward a much needed reform in the Federal Civil Service. The evils of partisan appointments and removals, although attracting slight popular interest during the crisis of Reconstruction, had become so flagrant that certain members of Congress had begun a campaign for reform. Bills for a competitive examination system, introduced in each Congress by Jenckes of Rhode Island, failed of success; but in Grant's first term the desired reform was at length attained, almost by chance, being incorporated as a "rider" to an Appropriation Bill on March 3, 1871. In this way the Republican Administration took a step apparently destined to be of incalculable benefit.

These same years saw the settlement of pending foreign questions by the Administrations of Johnson and Grant, after a period in which brisk diplomatic activity, exhibited by Seward and Fish, successively Secretaries, gradually came to a standstill in the face of a strong popular disinclination for anything aggressive in foreign policy. Seward undoubtedly did his best to retrieve his popularity, damaged through his adherence to Johnson's plan of reconstruction, by an energy in treaty-making and negotiation scarcely equalled in the history of the United States. A score of commercial and extradition treaties were made with Powers large and small, the two most important being those with China and Germany in 1868; and many similar treaties were concluded under his successor. Seward's principal efforts, however, were directed toward the settlement of the serious questions pending with France and Great Britain. As regards the French intervention in Mexico, although General Grant was quite ready to use force, Seward

wisely refrained from threats, and confined himself to a steady diplomatic pressure, confident that his end was more likely to be peacefully attained if he avoided affronting a government resting mainly on military prestige. Napoleon III acted as Seward had foreseen, and, harassed by European complications, withdrew his forces in 1867.

As regards relations with Great Britain, the situation was still more threatening. The country, while not anxious for war, cherished feelings of bitter resentment on account of the ravages committed by Confederate cruisers equipped in England, and the unsympathetic attitude of the English governing classes during the war. There were, moreover, unsettled boundary and fisheries controversies, and differences about naturalisation arising from the trial of certain Irish "Fenian" conspirators claiming American citizenship. At first Earl Russell, in 1865, absolutely denied the possibility of arbitrating on any American claims; but a year later English opinion altered, and Lord Stanley, Russell's successor, intimated a willingness to discuss the question. Prolonged negotiations as to the extent to which the *Alabama* claims should be considered led eventually to the drawing up by Lord Clarendon and Reverdy Johnson, United States minister to England, of two protocols and a treaty for arbitration. One of the protocols, regarding naturalisation, was developed into the treaty of 1870; but the other results of Johnson's mission proved fruitless. The disfavour in which the Senate held Seward, together with the popular feeling that something more than a mere claims treaty was necessary, led to the rejection of the Johnson-Clarendon draft as inadequate and defective.

There followed a period of renewed negotiation between Lord Clarendon and Secretary Fish, much hampered by a speech of Sumner in the Senate, announcing that the United States would accept nothing less than a national apology, together with reparation for indirect damages suffered by the United States through England's recognition of Confederate belligerency. President Grant in his message of 1870 suggested that the United States should pay the claims, and thus assume them against Great Britain; but the necessity for any such radical action was avoided by an agreement reached through the skilful dealing of Sir John Rose and Fish in 1871. Both governments joined in appointing a High Commission, which met in Washington, and by a treaty in May, 1871, practically settled all outstanding questions. An expression of courteous regret on the part of the British Commissioners disposed of the claim for an apology; minor matters were dealt with; and three arbitrations were provided, for the fisheries, the North-western boundaries, and the *Alabama* claims. In the course of the following year the principal issue was laid at rest by the award of the arbitration tribunal, which, after a hearing at Geneva, dismissed the extreme American claims, but held Great Britain guilty of negligence in several cases, and assigned damages of $15,500,000. In this way the skill and persistence

of the American secretaries finally disposed of the most threatening diplomatic questions arising from the war. No other achievement of the Reconstruction Administrations showed greater wisdom or ability, or was of greater benefit to the country and the world at large.

The popular feeling was, however, far less positive in foreign affairs than were the aspirations of Seward and his successors. The pressure of debt, the excitements of the Reconstruction struggle, and the absorbing interests of domestic industrial development, rendered public opinion apathetic and peaceable. When a Cuban insurrection broke out, some sympathy was manifested in the United States for the insurgents; but Grant's Administration had no difficulty in maintaining a peaceful attitude, and in 1871 agreed to a treaty for settling all claims arising from Spanish acts against American citizens. Even when, in 1873, the *Virginius*, an American steamer suspected of filibustering, was seized, and fifty of its crew were shot, Grant took no belligerent steps and accepted an indemnity from Spain. The lack of popular interest in an expansive foreign policy was also shown by the failure of a movement begun by Seward towards the control of an Isthmian canal. A treaty with Nicaragua in 1868 for a right of way across the Isthmus was successful; but a treaty with Colombia for sole control of a Panama canal was rejected by the Senate in 1869; and another treaty for joint control failed similarly in 1870. The utmost accomplished was a government survey in the latter year.

But perhaps the most striking illustration of the popular temper was the practical failure of a movement toward territorial expansion begun by Seward and continued by Grant, but repudiated by the country. Russia having offered in 1867 to sell Alaska, Seward instantly agreed, made a treaty for the purchase, sent it to the Senate, and through Sumner's influence secured its ratification before the public was at all aware of what was taking place. So averse was the general feeling, however, that a serious effort was made in the House in 1868 to defeat the appropriation of the purchase-money; and only a feeling of friendship for Russia saved the day. At about the same time a treaty with Denmark for the annexation of the Danish West Indies, although favoured by naval authorities, met with obstinate popular opposition and was suppressed by the Senate. Seward also began and Grant took up a project to annex San Domingo by treaty or by joint resolution; but this was rejected by both the Senate and the House, partly owing to a flavour of corruption attaching to it, but mainly because of popular disapproval. Grant took the utmost interest in the affair, going so far as to establish a sort of naval protectorate over San Domingo while the treaty was pending; and his personal efforts with senators to secure ratification were such as to involve him in a savage quarrel with Sumner; but not even his prestige nor the desire for party harmony could coerce the reluctant Senate. The failure of the San Domingo project in 1871

marked the cessation for another decade of any aggressiveness in external affairs. The country had settled all outstanding questions, and was committed to a thoroughly conservative course.

The year 1871 marks the culmination of Republican policy. The three problems which confronted the country in 1865 had been dealt with; and it now remained for time to test the permanence of the settlement. All the South was once more a part of the Federal union, wonderfully changed by an experiment in political democracy more radical than any previously attempted. The debt had been partly refunded and placed on a firm basis; the currency was pledged for redemption; the war taxes were abolished. The country, at peace with its neighbours, had settled all dangerous external questions successfully. But, in the process of attaining these results, the political conditions of society had been subjected to a terrible strain. The Union party of all loyal men, which controlled the North in 1865, had vanished; many of its leaders were dead or had retired, or had in disgust joined the Opposition; while its place and power had passed to a Republican party, led by intense partisans, rigidly controlling every governmental act on a party basis. This Republican party showed in the years 1865 to 1871 a forcefulness and a relentlessness of purpose not displayed by any other group of men in the country's history. What they wished, they did. If pledges or conditions previously announced proved inconvenient, they were broken without hesitation. Constitutional objections of the utmost weight brought against their measures were absolutely disregarded, if the end to be attained seemed necessary. Scruples, in short, were as conspicuously lacking as indomitable purpose was visibly present. The result of their policy was that they controlled the country, North and South, with an unyielding grip. It now remained to be seen whether, after the solution of the great war problems, this party domination could continue; and whether, if it should fall, its work might not fall with it.

The six years of Republican domination were followed by a somewhat longer period of reaction against the measures of political and financial reconstruction, and against the party responsible for them. To understand this a brief reference is necessary to the economic conditions of the country and their effect upon society. The two decades from 1865 to 1885 were marked in the United States, as elsewhere, by an enormous development along industrial lines, aided by invention and discovery. Railway building became at first a profitable speculation, then a mania, lines being recklessly constructed until competition developed in extravagant forms. Manufactures also were extremely profitable during and after the war, and underwent great expansion. Land crazes in connexion with new railways were frequent; and not only private but public credit was copiously lent to aid new enterprises. Add to all this

the effects of a redundant paper currency, a fluctuating gold premium, and continued issues of government bonds, and it is clear that all the conditions were present for popular recklessness and eventual disaster. During the Reconstruction struggle social excitability found a political outlet in following the Congressional contests; but, as soon as the task of the Republican party seemed finished, the tension relaxed, and popular restlessness showed itself in a tendency to divide on new issues, to revolt against too rigid party dictation, and to hold the controlling Republicans responsible for any public ills which society now had leisure to contemplate. Accordingly reaction appeared sooner or later in every quarter, directed against every feature of the Republican party and its policy; and from this the Opposition, without regard to its own merits or defects, was sure to profit.

The first sign of a turning tide appeared while prosperity was at its height, in the shape of a revolt against the party despotism which stood out plainly the moment the crisis of the Reconstruction struggle had passed. The Republican party under Grant's administration began to show signs of moral relaxation. Habits of disregarding legal and technical difficulties, the neglect of merely negative virtues while the problem of saving the country was still unsolved, and the use of unchecked power, produced their inevitable effects. The Republican politicians regarded public offices as their own perquisites, and exercised their control, as senators and representatives, for partisan and personal considerations. Consequently, the period was marked by frequent cases of corruption and much open cynicism. Of course these tendencies affected the two parties equally; the Democratic Tammany Hall and the Republican customs-house plundered New York city with equal impudence; but the political domination of the Republicans made their shortcomings more prominent. Grant professed himself heartily in favour of the new Civil Service law of 1871; but his conduct as President unfortunately showed little comprehension of the real purpose of public service. Grant was personally honest, but he was a poor judge of men, susceptible to certain kinds of flattery, and extremely dependent for advice in civil matters upon his personal friends. By the end of his term it was common talk that he had fallen completely under the influence of a group of Republican senators of the less elevated type; and this, with his appointments, his amazing behaviour in the San Domingo affair, and his intolerance of opposition, led a great many of the more moderate Republican leaders to dread his re-election as a danger to good government.

On this issue began the first reaction. As usual a faction quarrel gave the impetus. The revolt first appeared in Missouri in 1870, where the Republican party divided, and the anti-Administration wing, by a coalition with the Democrats, carried the State. In 1871 active agitation began against Grant's re-election, which resulted in the calling by the

Missourians of a Liberal National Convention, to meet at Cincinnati in May, 1872. At first the movement seemed extremely promising, owing to the character of the leaders, men like Trumbull of Illinois, Brown of Missouri, Julian of Indiana, Sumner and C. F. Adams of Massachusetts; but, owing to a series of blunders, the Convention nominated Horace Greeley, the eccentric, impulsive editor of the *New York Tribune*. The candidate and the platform, which demanded acquiescence in the results of Reconstruction while throwing its principal emphasis upon the cry of reform, were both adopted by the Democrats on July 9, 1872; but the coalition was hopeless from the start. The country was at the height of prosperity; Grant's popularity with the masses was unshaken; and Greeley's personal peculiarities rendered him almost absurd as a rival for the war hero. He not only could not draw more than a handful from the Republicans, but could not even command full Democratic support; and the election resulted in an overwhelming Republican victory, Grant carrying all the States but six, and receiving 286 electoral votes out of 360. The only result of the Liberal secession seemed to be the political ruin of a dozen of the ablest Republicans, and the firmer riveting of the hold of a particular party upon the country.

But meanwhile the Republican power was being undermined in a more effective way in the Southern States, the Reconstruction policy being now subjected to a decisive trial in all of these except Virginia, which in its first election was carried by the whites. It is not easy to say precisely what result was expected by the Republicans who bestowed the suffrage upon the negro. The extreme Radicals like Sumner maintained that the mere possession of the vote would raise the negro in all respects to the level of his late master; many others, who agreed with Sumner that the ballot belonged to the freedman by right, were less optimistic, and hoped at the most for a process of gradual political education; but the majority, while willing for party reasons as well as for justice's sake to create a negro electorate, recognised that it was a hazardous experiment, and entertained grave doubts as to its success. None, it may safely be said, foresaw the actual results.

Judging from the experience of the twelve States where the experiment was tried, it is not too much to say that the Southern Republican party showed neither the ability nor the will to govern well. The negroes formed the voting body, and the more intelligent among their number commonly held office; but the real control was in the hands of white residents of Northern origin, the "carpet-baggers," and of a few Southern whites or "scalawags." Some of these were men of character and honest intentions, but few were of a high order of ability, and very many were adventurers pure and simple. One and all were imbued with an intense partisanship which shrank from nothing that would advance the cause of the Republican or Radical organisation. It was impossible for such a party to provide competent officials; there were not enough educated

men among them to fill the positions; and the result was in very many localities to place civil, judicial, and local offices in the hands of corrupt whites or illiterate negroes.

The characteristic of this *régime*, stated briefly, was misgovernment of every degree, from simple inefficiency and extravagance to appalling corruption and tyranny. Offices were multiplied, and salaries doubled and trebled; government printing was lavishly granted for building up a party press in every county; bonds were issued in aid of railroads which were never built, or in behalf of other schemes resting on thin air. Embezzlement by corrupt whites and blacks was wide-spread; and in South Carolina, where public morals reached their lowest depth of degradation, the members of the legislature and the executive officials helped themselves freely from the public treasury. Bribery in legislation was common; and the administration of justice was frequently a scandal. Courts were partisan, and governors facile. It was hard to convict a Republican offender; and, if convicted, he was almost certain to be pardoned. Taxation mounted enormously; for, since it fell, of course, not on the former slaves but on the whites, property was absolutely divorced from government. It cost "carpet-baggers" nothing to squander money which was furnished by their political opponents. To crown all, the personal character of very many negro and white Republican officials was notoriously immoral.

This condition of things, it is needless to say, was regarded by Southern whites as the destruction of human civilisation. Original Secessionists and Unionists alike were immediately welded into a party with one absorbing purpose — to put an end to "carpet-bag" rule. Overmatched at first in point of numbers, they were driven by their anger and disgust at negro supremacy into expedients which their knowledge of negro weaknesses suggested; and the years 1866 to 1871 saw the rise of the "Ku Klux Klan," a secret society of disguised night-riders, who terrified, whipped, and finally began to murder negro leaders and "carpet-baggers." Open race-conflicts, too, were frequent; and after every brawl or shooting affray the report of negroes killed and wounded showed the deadly purpose of the former slaveholders. The State governments in vain retorted by passing severe laws, and arming a "loyal," that is negro, militia. Every election became a fight for life, the Democrats trying to intimidate the negroes, the "carpet-baggers" using every means in their power to retain control, throwing out votes, cancelling returns, and ejecting Democratic claimants. In the years after 1868 the whole South seemed to be in anarchy, the lower elements on both sides exhibiting the worst passions of humanity. Murder, violence, and a consuming race-hatred seemed pitted against utterly unscrupulous misgovernment and tyranny.

In such circumstances the Republicans controlling Congress and the executive could not fail to intervene. Congressional investigating

committees held inquests and collected testimony of such a character as to lead the majority to pass, in May, 1870, an "Enforcement Act," whereby any conspiracy to deprive the negroes of rights guaranteed by the Fifteenth Amendment was made punishable by Federal process. This not proving successful, a second Act, known as the "Ku Klux Act," still more drastic in its effect, was passed in April, 1871; and in 1875 a Supplementary Civil Rights Act was added, which aimed at enforcing full social equality for negroes in theatres, hotels, and public conveyances. At the same time, by Acts of 1871 and 1872, all Federal elections were placed under the control of Federal authorities; and under these Acts hundreds of arrests were made and convictions secured. The President, on his part, used troops freely to aid the struggling "carpet-bag" governments; and scenes repellent to all but extreme partisans frequently took place, when Federal troops, at the word of a Republican governor, broke up legislatures claiming to be legally constituted, or ejected State officials. In Louisiana, especially, these interventions became habitual; but Grant grew weary of the "annual autumnal outbreaks," and occasionally in his second term refused aid. Under the "Ku Klux Act," Grant also proclaimed martial law for a while in part of South Carolina.

But, though these measures succeeded in curbing the open outrages, they failed in effecting their main purpose. In spite of troops, Federal election laws, and the unscrupulous defence of the "carpet-baggers," the negro governments broke down one after another. The weaker race could not hold its own in such a contest; faction quarrels weakened the Republican organisations; and in the end the whites triumphed. Tennessee turned Democratic in 1869; West Virginia, Missouri, and North Carolina in 1870; Georgia in 1871; Alabama, Texas, and Arkansas, after a hard struggle, in 1874; Mississippi, after a desperate campaign, in 1875; and only Florida, Louisiana, and South Carolina remained Republican in the election of 1876. These three played a decisive part in the presidential struggle of that year, as will be shown later; but, upon the withdrawal of troops from them in 1877, the Republican governments collapsed, and all three passed into the hands of the whites. In each State the overthrow of the "carpet-baggers" was followed by reforms in administration, reduction of expenses and taxation, and, in many cases, by new State constitutions and the repudiation of fraudulent debt. During the same period, in spite of Federal election laws, the number of Republicans in Congress from the reconstructed States ran rapidly down from 20 senators and 40 representatives in 1869 to two senators and four representatives in 1877. The ruin of Republican Reconstruction as a party policy was complete within ten years after its establishment.

Meanwhile financial reconstruction had been endangered by a sudden industrial crisis, which, with its subsequent years of hard times, wrecked at a blow the Republican financial prestige. The panic of 1873 came as

the inevitable result of an abnormal industrial expansion; banks and speculative railways fell together; and prices dropped until, for a time, all industry seemed to be at a standstill. For some years there were no signs of reviving prosperity; and a great cry for relief went up, which took the form of a demand for currency inflation, both parties being affected. The result was an epoch of exceedingly confused financial legislation, during which the Republican policy barely escaped destruction. In 1874, Secretary Richardson, on his own motion, reissued "greenbacks"; and Congress, in a panic, passed the so-called "Inflation Act," increasing the circulation of legal tenders and national bank-notes. This Grant fortunately vetoed; and a year later the same Congress, in a saner mood, passed an Act for the resumption of specie payments in 1879 which tended to restore the party's credit. But immediately a new danger appeared in a movement for free silver coinage, also inspired by inflationist sentiment; since the silver dollar, demonetised in 1873 as overvalued and obsolete, had suddenly fallen in value, owing partly to the demonetisation of silver by Germany in 1873, but still more to the enormous silver production following the opening of the rich Nevada mines. Repeated attempts were made in the Congresses of 1875 and 1877 to repeal the Resumption Act and enact free-coinage bills; and, although the Senate blocked the first of these, it did not succeed in preventing the second. In 1878 the Bland-Allison Act was passed, by which the coinage of from two to four million dollars of silver per month was made obligatory. Congress at the same moment by resolution declared all bonds to be payable in silver.

In spite of this action, Secretary Sherman managed with great skill, during the years 1877 and 1878, to pave the way for resumption, and, in spite of the outcries of silver men and inflationists, succeeded in selling bonds and accumulating a reserve. On January 1, 1879, he actually resumed specie payment. He was doubtless much aided by a combination of good crops and heavy agricultural exports; but the credit none the less belonged to him and his party, although at the moment of resumption they had helped to damage the measure by the injection of silver into the government currency. The years 1872–9 were financially perilous; but, largely owing to fortune, the reaction failed to carry the day. Specie resumption marks its end.

The reaction against Republican official errors, which failed so completely in the Greeley campaign, returned again with redoubled force in Grant's second term. It was a time of absorption in things material and domestic. In foreign affairs the years 1872–8 were marked by stagnation, a few commercial, extradition, and naturalisation treaties being the only evidences of diplomatic activity. Cabinet ministers and Congressmen alike were swept along in the current of the new industrial materialism to such an extent that an epidemic of scandals broke out between 1872 and 1876. The "Crédit Mobilier," a

corporation which received the contract to construct the Union Pacific Railway, was proved on investigation to have distributed large blocks of shares among members of Congress, whose reputations were ruined. A little later, extensive corruption in the collection of the internal revenue, connected with the so-called Whiskey Ring, was discovered by Secretary Bristow, and traced close to one of Grant's confidential friends; and, while this was being aired, Grant's Secretary of War was discovered to have accepted a bribe, and only escaped impeachment by prompt resignation. Last of all, Blaine, the Republican Speaker and leader of the House, was accused of having sold his official influence in return for railway stock, and was unable to clear himself satisfactorily. These were years, also, of flagrant use of offices for spoils, especially after Congress in 1874 had refused to continue any appropriation for the Civil Service Commission. The disgust of all thinking men with this state of things reached its culmination when Congress, in 1873, raised the salaries of its own members, voting money into its own pockets with the effrontery of a "carpet-bag" legislature. In all this both parties were on the same level; but the Democrats had the advantage of being in opposition and hence escaping responsibility. At the same time popular regard for the negro governments, at first strong in the North, had been seriously shaken by their glaring defects. Times were ripe for a political revulsion.

Party lines were not, however, easily disturbed, as the Greeley episode showed. The bitter struggles of the years 1865–70 had created two organisations whose antagonisms seemed irreconcilable, and whose members were bound together by ties unrelated to reason. Nothing but some sharp shock could unsettle this tenacity, as was shown by the unvarying succession of party votes in the North. The panic of 1873 supplied the shock required, and for the moment rendered Republicans and Democrats conscious of the evils of the situation. The excesses of the spoils system, the Congressional and executive scandals, and the immorality of the "carpet-bag" governments, joined with economic distress to cause a sudden Democratic "land-slide." In 1873 the Democrats gained six Northern States; in 1874 they swept the Congressional elections by a two-thirds majority; and in 1875 they continued to hold their own. The Republicans, feeling the solid earth crumbling under them, began to set their house in order, correct abuses, and advocate reform; but the hard times continued; and, before they could regain popular favour, the election of 1876 was upon them.

It was a critical moment. The choice of a Democratic President would mean the immediate undoing of Reconstruction; and the Republicans used every means in their power to retain the control of affairs. In the crisis many of the Administration leaders urged the nomination of Grant for a third term; and Grant himself professed willingness to accept. Against this proposal, which not only ran counter to a precedent

obeyed since the time of Washington, but also seemed to threaten a continuation of all the worst features of Republican supremacy, every conservative and reforming element in the country protested; and the House of Representatives, by an almost unanimous vote, stigmatised the plan as "unwise, unpatriotic, and fraught with peril to our free institutions." This killed the third term movement, and encouraged all the better elements of the Republican party at the Convention, which met in June, 1876, at Cincinnati, to unite in nominating Governor Hayes of Ohio, whose record showed him to be sound on financial matters and favourable to governmental reform, over Blaine, whose popularity was clouded by a charge of corruption. The platform promised reform, sound finance, and the maintenance of the reconstruction measures. The Democrats, on their part, presented Governor Tilden of New York, a candidate representing the conservative wing of the party, and prominent as a reformer through his recent share in overthrowing the Tammany ring in New York city. Their platform condemned Republican corruption in the Federal and "carpet-bag" governments, and denounced the Specie Resumption Act as a hindrance to resumption.

The election which followed proved to be one of the most exciting in the history of the country, since an alarming dilemma arose from the fact that in the three remaining "carpet-bag" States the returns, as usual, were in doubt, and these held the balance between the candidates. Since the Senate was Republican and the House Democratic, a partisan insistence by either might prevent any counting of the electoral vote, and might thus leave the country with no legal executive after March 4, 1877. To avoid this danger, the Houses agreed upon a compromise, by which the question of the vote in these three States and in Oregon was submitted to an Electoral Commission composed of five members of each House and five judges of the Supreme Court; the decision of the Commission to stand unless overruled by both Houses. As it turned out, the Commission, intended to be impartial, proved to consist of eight Republicans and seven Democrats; and it decided every question in favour of the Republicans by a vote of eight to seven. Since the Senate declined to overrule these decisions, they remained valid; and in this way Hayes was declared elected by 185 votes to 184. The anger of the Democrats over this last triumph of the "carpet-bag" system was extreme; but the nation acquiesced, and Hayes was inaugurated. The whole affair was permeated with blind partisanship and tainted by rumours of corruption, and stands as a discreditable episode for nearly everyone engaged in it with the exception of Hayes himself.

The election of Hayes maintained Republican control of the executive; but although the new President appointed a liberal Cabinet, made admirable reforms in administration, and withdrew Federal troops from the South, the tide kept on running against the party. Hard times continued, intensified in 1877 by a severe railway strike in the Central

States productive of violence and rioting; and the Democrats continued to control important States like Ohio and New York, beside carrying both Houses of Congress in 1878. At the same time a new party sprang up and rapidly grew into importance upon a platform calling for the repeal of the Specie Resumption Act and the issue of a currency of government paper. In the years after 1872 there had appeared a non-partisan farmers' movement in the West, in the form of societies known as "Granges," agitating against railway monopolies and discriminations. When the panic occurred, these led to the National or "Greenback" party, which made its first campaign in 1876, nominating Peter Cooper, a well-known New York philanthropist, and casting a small vote mainly in the Grange States; but in 1877 and 1878 its numbers swelled five-fold, and the organisation spread all over the North, drawing mainly from the Democrats. It carried one State, Maine, in coalition with the Democrats, and elected sixteen members to the House.

During their period of Congressional control, the Democratic party made an attempt to break down the Federal election laws by forbidding the use of troops and refusing appropriations for marshals and deputies. At first the struggle was between a Democratic House and a Republican Senate, later between Hayes and a united Democratic Congress; but, although the Democrats were persistent, Hayes unflinchingly vetoed every provision of this character, even when attached as a "rider" to a general appropriation bill. This wrangling struggle lasted during the greater part of Hayes's administration, and led to no less than seven vetoes and the occasional failure of army and judicial appropriations; but the President triumphed, for the Democrats lacked the two-thirds majorities necessary to override him. The utmost gained was the passage of an Act forbidding the use of Federal troops as a *posse comitatus*. This Democratic policy did not help their party, for it seemed more factious than statesmanlike; and when, in 1879, the agricultural discontent was suddenly ended by a crop failure in Europe, with a great rise in the price of wheat, and at the same time the resumption of specie payment was accomplished, it became evident that the reaction was at an end. In the elections of 1879 great Republican gains appear; the large States of Ohio, Pennsylvania, and New York were easily carried; and the "greenback" vote fell off.

The period thus terminated may be regarded as resulting in a drawn battle. The Republican party of 1868, with its reconstructed South, its financial pledges, and its complete mastery over the country, had undergone a series of defeats; but by good fortune the party had not been crushed, nor had all its measures been reversed. The Reconstruction policy, it is true, had by 1879 become an almost hopeless failure. The negroes had abundantly shown their incapacity for decent government; the Southern States had all been regained by "rebels"; and all that remained of the programme so relentlessly forced through in 1867–72 was

the judicial protection which the negroes might derive from the three constitutional amendments and a number of almost useless statutes. The financial policy proclaimed in 1869 and 1870 had fared better, specie payment having been finally resumed, and the worst inflationist schemes defeated. By 1879 the two parties had settled into an equilibrium; and, while the organisations remained firm and party feeling high, people in the North were beginning to tire of the dismal Southern question, and to show a willingness to divide on the new issues. The war problems were ready to be shelved so soon as parties and leaders could readjust themselves to altered political sentiment.

After the period of reaction came a series of peculiarly barren years, during which many observers, both European and American, agreed that political life in the Republic was in a fatally diseased condition, the reason being that the parties created in the Reconstruction period and based on practically dead issues continued to struggle for office and to command support, without regard to the actual questions of the day. In reality, however, these years saw not only the end of the old issues but the beginning of new ones, and prepared the way for a return in the near future to healthier political activity.

As in the preceding decade, economic interests dominated private and public life. These years began with a recovery from the long depression after 1873; railroad building again became almost a craze; immigration poured into the West; and the grain crop and grain exports became the gauge of prosperity over a large part of the country. Manufactures also continued their expansion. After several years of abnormal profits from large grain crops in America and short harvests in Europe, the tide turned; and the price of wheat sank rapidly, so that by 1884 the agricultural States were again depressed. Simultaneously the growth of speculation resulted in a brisk panic on the New York Stock Exchange in the spring of 1884, which did not, however, produce results comparable to those of 1873. On the whole these were years of prosperity; and throughout them financial and industrial questions occupied the public mind to the exclusion of old issues.

Under such conditions the Southern whites continued undisturbed their task of destroying the traces of Reconstruction. The political life of the South centred in one feature — a burning hatred of the Republican party, and the determination to prevent any recurrence of "carpet-bag" government. In fact, social as well as political life became based on the one idea of white supremacy. When once the negro governments were overthrown, violence was laid aside for systematic trickery and fraud. "Gerrymandering" was reduced to a science, as in the famous "Shoe-string" district of Mississippi or the "Dumb-bell" of South Carolina, where negro counties were grouped together for representative purposes. "Ballot-stuffing" and every variety of imposture upon an

ignorant and credulous race were habitual at elections; and the upshot was the entire impotence and virtual disappearance of the Southern Republican party except at congressional and presidential elections. In some States even the pretence of running a ticket was abandoned. The "solid South" feared by Stevens and Sumner in 1865 was henceforward a reality.

Simultaneously a series of decisions by the Supreme Court nullified to a considerable extent the powers assumed by the Federal government under the Fourteenth and Fifteenth Amendments. It was in the Slaughter House Cases (1873) that the Court first proclaimed the doctrine that the Fourteenth Amendment, in guaranteeing the rights of citizens of the United States against infringement by the States, was not meant to interfere with the "police power" exercised by the States in legislating for the public health, safety, or convenience. The decisions in later cases along this line — such as *Bartemeyer v. Iowa* (1875), permitting a State law prohibiting the manufacture of liquor; and *Munn v. Illinois* (1877), allowing a State to fix rates for grain-elevators — carried the doctrine further, until by 1885 it had become perfectly evident that the Court's purpose was rather to restrict than to extend Federal power under that Amendment. But still more significant were decisions which gradually undermined the Reconstruction laws passed to enforce these Amendments. In 1875, in *United States v. Reeve*, and in 1882, in *United States v. Harris*, so much of the Force Act of 1870 and the Ku Klux Act of 1871 as purported to punish individuals for conspiring to deprive negroes of their rights under the last two Amendments was declared unconstitutional, the Court holding that the Amendments applied only to State action. For the same reason the Court in 1883, in the *Civil Rights Cases*, declared the Supplementary Civil Rights Act of 1875 unconstitutional. With these decisions the enforcement legislation was practically disposed of. Reconstruction was not only dead, but buried beyond hope of resurrection.

As the Reconstruction issue vanished from the stage, so the financial issue ceased in these years to be of any great significance, industrial and agricultural prosperity turning the farmer's mind away from inflationist dreams, and allowing the silver question to rest undisturbed. With prosperity the "Greenback" party rapidly declined; and it was the irony of fate that in 1884, when they ran their last presidential ticket, the Supreme Court, in the case of *Juillard v. Greenman*, reaffirmed the doctrine that the issue of government legal tender notes in time of peace was constitutional.

In the place of the two great issues growing out of the Civil War, but now practically abandoned, the country began to turn once more to problems of external policy and internal government. This was marked, in the field of diplomacy, by the reappearance of a vigorous foreign policy, lacking since the days of Seward and Fish. Commercial treaties

continued to be concluded, the most important being that made with China in 1880, by which the treaty of 1868 was considerably modified, at the demand of the Pacific Coast States, so as to limit immigration. Treaties indicating a new tendency were those of 1878 with Samoa and of 1884 with Hawaii for coaling-stations—a provision not thought necessary in Seward's time. The United States also showed a willingness to act in international affairs, ratifying conventions for an International Bureau of Weights and Measures in 1878, the Geneva Convention of 1864 with amendments in 1882, and conventions for the protection of industrial property and international cables in 1883 and 1884. A still more significant innovation was a tendency shown by Congress and by Secretary Blaine to assume an aggressive policy with regard to the interests of the United States in Central and South America. Blaine endeavoured to interpose between Chili and her defeated enemies, Bolivia and Peru, with an offer of arbitration; but Chili resented the attitude of the United States; and the proposal was dropped by Blaine's successor. At the same time Congress took a lively interest in the Panama projects of De Lesseps and his company, and revived the scheme of a purely American Nicaragua Canal by requesting the President, in 1880, to secure the abrogation of the Clayton-Bulwer treaty. Blaine undertook the task, and entered upon a correspondence with the British government. He also called a pan-American Congress for 1882. But neither of these efforts succeeded, the British government showing no willingness to consent to an abrogation, and the pan-American Congress being abandoned as impracticable. A treaty, however, was actually concluded with Nicaragua in 1884, acquiring for the United States the right of a protectorate over a canal. These movements, although unproductive at the time, were evidently forerunners of a new departure in foreign policy. The time was foreshadowed when the quiescence of the years after 1865 would be abandoned for greater activity in foreign affairs.

The matters of domestic interest confronting Congress were revivals of questions temporarily settled a decade earlier. The reform of the Civil Service had been an issue in 1874 and 1876; but, although Hayes had by executive order subjected to examination candidates for appointment to certain offices, the Democratic Congresses of 1875 to 1881 took no action. With the accession of President Garfield, the pressure for partisan removals and appointments became severe. Before the new Administration was three months old a public quarrel about patronage broke out between the President and the New York senators, Conkling and Platt, who wished to dictate all appointments in their State. Both senators resigned, seeking re-election from their State legislature as a personal vindication; but they miscalculated their strength and failed to be returned. Almost immediately afterwards the disgust of the country over the affair was turned to horror, when

a half-crazy adherent of Conkling, a disappointed office-seeker, shot the President in July, 1881. Driven by a popular outcry, Congress slowly and rather reluctantly passed an Act establishing a Civil Service Commission, and empowering the President to extend to the departments the rules of appointment after competitive examination. The number of offices included was small, but the reform was fairly established; and, on this occasion, Congress did not, as ten years before, immediately undo its own work.

The other question now revived was that of the tariff. This matter had been fairly prominent in 1872, but had dropped out of sight during the years of depression, until, in the years 1879 to 1885, a great surplus revenue brought it again to the front. It soon appeared that the Western States were desirous of a reduction, while the Eastern States, the seat of the country's manufacturing industries, were extremely averse from any diminution of the protection enjoyed by them for twenty years under the war tariff. At the recommendation of President Arthur, Congress in 1882 established a Tariff Commission, which took evidence, and in the next session reported a bill making some reductions. After much debate and some very sharp parliamentary management, a Tariff Bill of a strongly protective character was passed, lowering duties on a few articles where the rates still remained prohibitory, but actually increasing them upon many others. The tariff question was not, of course, laid at rest by any such measure, and in the next Congress an attempt was made to lower all rates by 10 per cent. This failed by a narrow majority, and left the tariff question still pending in 1884, the surplus revenue continuing in spite of the panic of that year. The tariff, then, apart from the Civil Service, was the principal subject of debate between 1880 and 1884; and this leads to the consideration of parties in this period, and the manner in which the tariff question came gradually to affect them.

Both parties from 1879 to 1884 showed marks of fossilisation. The questions which had caused their division were practically laid at rest; and yet never were organisations more active, partisanship more rigid, or campaigns more vigorous. The members of each party were held together by a tradition and a loyalty akin to religious faith, which led to a fixity in party votes that made the results of State elections, except in years of unusual excitement, perfectly easy to predict. This fixity had however no relation to legislative action, and did not prevent influential members of the parties from holding opposite opinions on public questions. In elections neither party dared to commit itself, since the taking of any decisive ground for or against anything beyond the traditional issues risked the defection of a number of adherents, small in any one region but large enough, in the East or the West as a whole, to cause the loss of Congressmen or electors. The result was that each party in Congress, from 1874 onward, divided freely on every

issue but that of Reconstruction. The Tariff Acts of 1872 and 1875, the Inflation Act of 1874, the bills to restore specie payment and to repeal the restoration, and the Bland Silver Act, had shown Republicans and Democrats voting on both sides. It was almost impossible to draw from the platforms of the two parties any clear distinctions between them on most public questions ; and it was this fact which observers in this period found alarming.

When, however, the tariff question came up again in the years after 1880, it became evident that, with favourable circumstances, the question of revenue reform might become an issue between parties. The Republicans were unquestionably committed to protection. They had framed the tariffs, had adjusted them to suit the demands of particular industries, and drew their chief support from the manufacturing and industrial States. Beside the tradition of past services, the party was indispensable to protectionists, as being their defence against a free-trade agricultural West and South. There were individual free-traders, or tariff reformers, among the Republicans ; but the party vote on the measures of 1883 and 1884 was practically unanimous. With the Democrats the situation was less clear. While the majority favoured tariff reduction, there was a considerable minority from the Eastern States, led by Randall of Pennsylvania, who were as fully devoted to high protection as their Republican neighbours. This was shown in the votes of 1883 and 1884, when 16 Democrats out of 138, and 41 out of 198, respectively, voted for protection. Nevertheless the situation was such as to foreshadow a direct conflict between the two parties on this issue ; for the Democrats were easily capable of being led whither their leaders wished ; and these, with the exception of Randall, were all for tariff reform in 1884. The time had not yet come, but it was near at hand.

In default of issues, the parties of these years relied upon organisation and machinery. Perfection in the manipulation of "caucus" and convention was attained by many men at this time, who in their respective cities or States stood forward as "bosses," or dictators of nominations and party programmes. This evil — for as such it was regarded by many — was more prominent in the Republican party than the Democratic, since the former controlled more States in the North ; but there is no reason for holding one party more guilty than the other. The hordes of foreign immigrants settling in the great cities, the rise of a labour class with the spread of factories, and the necessity of finding some way of holding parties together in default of issues, made such a development inevitable. But the years 1878–84 were also rendered noteworthy by the rise of a group of Independents in politics, mostly of Republican antecedents, who censured the abuses of party machinery, and declared their intention to vote without regard to party lines. Such utterances, it is true, impressed the average voter of 1880 as akin to blasphemy ; but the rise of independence in politics was destined to have important results.

The political struggles of these years were accordingly of a peculiarly barren and mechanical character; and yet their outcome was of considerable significance. In 1879, as has already been said, an agricultural revival turned popular favour to the Republicans, who regained lost ground, and in 1880 came with confidence to the presidential election. At the National Convention a prolonged struggle between the adherents of Grant, who urged the election of the war hero for a third term, and Blaine, who had come near success in 1876, was ended by a dramatic "stampede" to Garfield, one of the more liberal Reconstruction leaders, with Arthur (representing the "machine" element) for Vice-president. Against them the Democrats nominated a military candidate, General Hancock, but without much hope of success. The chief element in the platforms of the two parties was eulogy of themselves and abuse of their opponents; but there was an apparent issue on the tariff, the Republicans demanding a tariff for protection, the Democrats one for revenue only. The campaign proved listless, the Democrats seeming more anxious to avoid debating the tariff than to meet the Republicans; and the country, elated by the wave of prosperity, gave Garfield a safe majority of 214 electors against 155, while the "Greenbackers" cast about 300,000 votes and carried no States. The vote was almost purely sectional, Hancock carrying all the Southern States, but, outside these, only California, Nevada, and New Jersey; nevertheless the Southern question was not a serious issue in the campaign. The Republicans had no intention of renewing the "carpet-bag" *régime*, nor did they carry Congress by a sufficiently large majority to permit them to override the Opposition.

The victorious party was mainly interested in attempting to reduce the surplus by extravagant appropriations, passing a River and Harbour Bill of unheard-of dimensions over the veto of President Arthur in 1882. This action, the quarrels of the Republicans over spoils, and their failure promptly to reduce the tariff or pass a Civil Service Act, combined with a decline in agricultural prices to cause another Democratic "land-slide" in 1882; after which, in its second session, the chastened Congress passed both the Tariff and the Civil Service Commission Acts. The House elected in 1882 was Democratic by a majority of 198 to 124; but the Senate was Republican; and no decisive results followed this victory. In 1883 a number of States, which the Democrats had carried in 1882, swung back to Republican control; and in the election of 1884 each party felt that it had an even chance. The partisan struggles of these years had brought no apparent change.

But the election of 1884 showed by its result that the time for change was at hand. The real issues before the country were good government and the tariff; and it was these that mainly decided the contest. The Republicans failed to appreciate the situation, and, instead of selecting a candidate identified with new issues, nominated the twice-defeated

aspirant, Blaine. He was one of the few great Reconstruction leaders left in politics, and in spite of his ability and personal popularity he was tainted, whether justly or not, by the suspicion of unscrupulousness which attached to so many of the Republican leaders of Grant's time. The Democrats, with greater wisdom, imitated their procedure of 1876 by nominating Grover Cleveland, Governor of New York, who had a reputation as a practical, business-like reformer; and they were at once joined by a great number of prominent and influential Independents who declined to trust Blaine's integrity or good judgment. Many of these "Mugwumps" were free-traders, whose discontent in Republican ranks made them the more ready to use this method of escape. The personality of the candidates was the main issue in the campaign, since the platform, verbose beyond all precedent, contained little of significance or of difference, except a demand for Protection on the part of the Republicans and a laboured and hopelessly obscure advocacy of tariff reform on that of the Democrats. The contest involved the tariff to some extent, but soon centred in the candidates' respective merits, and finally sank into personal defamation and vulgarity beyond all bounds of decency. In an extremely close election, the "Mugwump" defection and the financial stringency of the year turned the tide; and Cleveland succeeded by 219 to 182. The party vote in general remained unaltered from the preceding two elections, showing that party rigidity still continued; but the slight change of a few Independents in a few States decided the result.

The election of Grover Cleveland and his inauguration in 1885 mark the end of an epoch in the history of the United States. The long Republican control, lasting since Lincoln, was broken; and the accession of a Democrat President elected by the votes of the "solid South," with the aid of a comparatively few Northerners, over one of the leaders of the Reconstruction period, presents the very result which the Radicals of 1867 meant to render impossible. The North, in fact, had accepted the failure of Reconstruction as it had accepted the other positive results of the war, and showed its readiness to dismiss the whole subject by electing a Democrat upon the single issue of good government, with the tariff in the background.

By this time the old issues were shelved by the action of the Supreme Court, the failure of the "Greenback" party, and the success of specie resumption, and still more by the disappearance of the Reconstruction leaders of an earlier generation. The earlier statesmen on both sides — Stevens, Wade, Chase, Seward, Stanton, Sumner, Greeley — all died while the contest was raging, and by 1885 nearly all of the others were out of politics. Johnson, Chandler, Colfax, and Garfield were dead; Grant, Conkling, Thurman, and Schurz were in retirement. Edmunds, Sherman, Bayard, and a few other older senators were still active, but were outnumbered by younger colleagues; and Blaine, most prominent of all,

had just been beaten by a comparatively unknown man. In the place of these a new race of leaders had come up, in whom the passions of the Civil War did not burn as in those who had fought the fight through — a cooler tempered race, less masterful, and inclined to rely on business methods rather than on the iron hand. Among the voters, too, the veterans were now outnumbered by hundreds of thousands who did not come to manhood until after 1871, and by masses of foreign-born immigrants. This new electorate had settled into the mechanism of the old parties, but it was held together by no such ties as those that bound the older Democrats and Republicans. In the South, of course, the case was different. There the Reconstruction period had left ineffaceable traces in the permanent incorporation of the race question in society and politics; but outside the South the times were ripe for a change ; and the new tendencies of the years 1879 to 1885 marked the path which the new developments were to follow.

In looking at the Reconstruction period as a whole we find a prolonged and involved struggle, dramatic at times, but seldom heroic. It lacks the moral intensity of the earlier slavery controversy, or of the war which followed, and takes its tone from a partisan and rather reckless society. We find the unrelenting use of strength without accompanying coolness of judgment, contests of more bitterness than dignity, and, above all, the marks of an attempt to reverse the order of nature. The years 1865–85 display in the United States a parallel to the simultaneous efforts of liberal reform in Europe. In each continent the solution of problems of national sovereignty, first attempted by the sword, was continued by masterful legislation, the result of the mingled influence of the fading doctrinaire liberalism and of a new materialistic political thought. On both continents the attempt to subvert the rooted habits and beliefs of generations failed ; in Europe when in the *Culturkampf* the Catholic Church emerged victorious ; in America when the effort to place the negro on an equality with his former master broke down. With these defeats the last victory of abstract liberalism crumbled ; and the way was cleared for new questions of national growth and international politics, and for new political creeds.

CHAPTER XXI

THE UNITED STATES AS A WORLD-POWER (1885—1902)

ALTHOUGH the inauguration on March 4, 1885, of Grover Cleveland, the nominee of the Democratic party, as President, marked the end of twenty-four years of continuous Republican administration, the transition was not attended by symptoms of radical change. An eminent orator, who afterwards declined to support Blaine for the presidency, had, in a speech at the Republican National Convention of 1884, described the Democratic party as "very hungry and very thirsty." The implication that the Federal offices were then held almost exclusively by Republicans was quite true. It had been the practice of the great political parties, when in power, to fill vacancies in office with their own adherents, there being no marked difference of opinion except as to the extent to which vacancies should be created by removals on political grounds. But the Act of January 16, 1883, "to regulate and improve the civil service of the United States," laid the foundation of a system designed to place the bulk of Federal posts beyond the reach of political contests; and with this system the new President was known to be entirely in accord. His declaration that "public office is a public trust" was one of the watchwords of the campaign; and his practical application of the principle, first as mayor of Buffalo, and then as governor of the State of New York, had helped to win for him as a national candidate the support of many leading men who were devoted to the cause of Civil Service Reform. While, therefore, the political transition was necessarily accompanied by many changes in office, it was distinguished by an obvious effort to observe the provisions of the law in spirit as well as in letter.

Nor was there any sudden and violent rupture in matters of policy. In his first annual message to Congress (December 8, 1885), President Cleveland stated that there were "no questions of difficulty pending with any foreign government." In his review of foreign affairs, the

largest place was given to the question of an interoceanic canal. Under the previous Administration a treaty had been concluded with Nicaragua for the construction by the United States and at its sole cost of a canal through Nicaraguan territory, to connect the Atlantic and Pacific Oceans. This treaty had been submitted to the Senate; but no definitive action upon it had been taken. In some quarters the objection was made that it committed the United States to a scheme of joint action and political alliance with Nicaragua, while in others the stipulations of the Clayton-Bulwer treaty were urged as an obstacle to ratification. President Cleveland, soon after his inauguration, withdrew the treaty from the Senate; and in his annual message to Congress he declared his intention not to submit it again. Adhering, as he said, "to the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign States," he was "unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the State where such interests lie." He moreover affirmed that any highway that might be constructed across the isthmus "must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single Power, nor become a point of invitation for hostilities or a prize for warlike ambition"; and he quoted with approval the words of Cass, while Secretary of State in 1858, that "What the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."

With regard to the question of the tariff, which was so soon to overshadow all other issues, the President said little. The fact that the revenue for the preceding fiscal year had exceeded the expenditure led him to recommend a reduction of taxes; but he added that "justice and fairness" dictated that, in any modification of existing laws, "the industries and interests which have been encouraged by such laws, and in which our citizens have large investments, should not be ruthlessly injured or destroyed"; that the subject should be dealt with "in such manner as to protect the interests of American labour," whose remuneration furnished "the most justifiable pretext for a protective policy"; and that, "within these limitations, a certain reduction should be made in our customs revenue," particularly in respect of taxes "upon the imported necessaries of life." In these phrases, the advocates of a protective tariff scented no special danger.

But there was another subject which President Cleveland, besides devoting to it the largest place in his message, discussed with a directness and precision that none could mistake. This was the subject of currency reform, a cause with which, by reason of the high and inflexible resolution with which he maintained and advanced it, against opposition

in both parties and at the sacrifice of personal popularity, his fame will be peculiarly identified. In presenting it to Congress, he stated that under the law of February, 1878, by which the government was required to purchase and coin silver bullion at the rate of more than $2,000,000 a month, more than 215,000,000 silver dollars, which were each worth only eighty cents as compared with gold, had been coined, while only 50,000,000 had actually found their way into circulation, leaving more than 165,000,000 in the possession of the government, against which there were outstanding $93,000,000 in silver certificates. As the silver thus coined was made legal tender for all debts and dues, a large proportion of what was issued found its way back into the Treasury. The hoarding of gold had, so the President declared, already begun; and the country had been saved from disaster only by careful management and unusual expedients, by a combination of fortunate conditions, and by a confident expectation that the course of the government would be speedily changed. "Prosperity," said the President, "hesitates upon our threshold because of the dangers and uncertainties surrounding this question. ... No interest appeals to us so strongly for a safe and stable currency as the vast army of the unemployed. I recommend the suspension of the compulsory coinage of silver dollars, directed by the law passed in February, 1878." This recommendation was not adopted.

The lack of "questions of difficulty" with foreign governments was supplied early in 1886 by the revival of the controversy with Great Britain touching the fisheries adjacent to the eastern coasts of British North America. Under the treaty of peace of 1783, not only were American fishermen acknowledged to have the right to take fish on the banks of Newfoundland, in the Gulf of St Lawrence, and at all other places in the sea, but they also enjoyed the liberty of taking fish on the coasts of British America generally, and of drying and curing fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador. After the war of 1812 the British government held that the liberty of inshore fishing had been terminated by the rupture, while the United States maintained that the treaty was permanent in its nature and was not affected by the war. This difference was adjusted by the compromise embodied in the convention of October 20, 1818, by which the United States renounced, except as to parts of the coasts of Newfoundland, the Magdalen Islands, and Labrador, the liberty to take fish inshore, and, except as to parts of Newfoundland and the coast of Labrador, the liberty to dry and cure fish. With these exceptions the United States renounced any liberty previously enjoyed "to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours" of the British dominions in America; with the proviso, however, that American fishermen should be admitted "to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood,

and of obtaining water, and for no other purpose whatever," subject to such restrictions as might be "necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

In the years that followed the conclusion of this convention various questions arose as to its proper interpretation. What were the "bays" intended by the convention? Did they include only bodies of water not more than six marine miles wide at the mouth, or all bodies of water bearing the name of bays, such even as the Bay of Fundy or the Bay of Chaleurs? Were the three marine miles to be measured from a line following the sinuosities of the coast, or from a line drawn from headland to headland, even where there might be no body of water bearing the name of a bay? Did the stipulations of the convention prohibit American fishing vessels from trafficking or obtaining supplies in the British colonial ports, even when they had entered for one of the four specified purposes? Might the colonial authorities prohibit such vessels from navigating the Strait of Canso, which was at least a way of convenience if not of necessity between the Atlantic Ocean and the Gulf of St Lawrence? All these questions, and particularly the first three, were discussed with more or less acrimony, especially after 1836, when the authorities of Nova Scotia adopted measures for the more stringent enforcement of the convention. They were temporarily put to rest by the reciprocity treaty of 1854, under which mutual privileges as to inshore fishing in the waters of both countries were coupled with certain privileges in trade and navigation. They were revived by the termination of that treaty in 1866, but were again suspended by the fishery clauses of the Treaty of Washington of May 8, 1871, under which the United States, in return for the privilege of inshore fishing, gave to the products of the Canadian fisheries a free market, and agreed to submit to arbitration the question whether further compensation should be paid. The award made at Halifax in 1877 of $5,500,000, or nearly half a million dollars for each of the twelve years during which the treaty was certainly to continue in force, produced in the United States a feeling of dissatisfaction, not only because the rate of compensation thus sanctioned was believed to be excessive, but also because the choice of the third arbitrator, by whose vote the award was determined, was attended with unusual incidents.

These circumstances combined to ensure the denunciation of the fishery articles at the earliest possible moment; and in due time, on notice given by the United States, July 1, 1885, was fixed as the date of their termination. In the preceding spring, however, it was agreed, as the result of overtures made by the British Legation, that American fishermen should continue to enjoy their treaty privileges during the pending season, in consideration of the President undertaking to recommend to Congress at its next session the creation of a joint

commission, to which should be referred not only the question of the fisheries, but also the more general question of trade relations. To this recommendation the Senate in February, 1886, declined to accede; and soon afterwards an American fishing vessel was seized at Annapolis Basin, in Nova Scotia, for purchasing bait. Other seizures for various causes followed in quick succession, till the list of complaints was swollen to formidable proportions. By an Act of Congress of March 3, 1887, the President was invested with power to enforce in his discretion measures of retaliation. But, after the failure of his recommendation for a joint commission, although the idea of a trade agreement was abandoned, negotiations were entered upon for an amicable arrangement. To that end plenipotentiaries bearing commissions from the executive authority of each country met in Washington in November, 1887. Their conferences resulted in what was known as the Bayard-Chamberlain Treaty, February 15, 1888. The object of the treaty was to provide for the proper interpretation and enforcement of the Convention of 1818. It looked to the removal of the duty on the products of Canadian fisheries only in a certain contingency. The treaty was rejected by the Senate in the following August. President Cleveland, interpreting this as a disapproval of his policy of negotiation, then proposed to Congress a plan of retaliation, involving the interruption of the bonded transit system. This recommendation Congress did not adopt; and, as the Act of February, 1887, remained unexecuted, no measure of retaliation was put into force. The Canadian government, however, had undertaken, pending the consideration of the treaty, to sell to American fishing vessels licences for the enjoyment of port privileges; and this system continued in operation after the treaty was rejected.

The question of the fisheries had in reality been swept, together with various other questions, into the vortex of a great struggle over the protective tariff. This contest was precipitated by President Cleveland's annual message of December 6, 1887. The brief reference to the tariff in his first annual message has already been noticed; but his subsequent reflections, enforced by a steadily increasing excess of revenue, had aroused his apprehensions, and he proceeded to discuss the subject with characteristic zeal and directness. The exaction from the people of an amount of taxes greater than was necessary for the "careful and economical maintenance" of government he pronounced an "indefensible extortion and a culpable betrayal of American fairness and justice," which crippled the national energies, suspended the country's development, hindered investment in productive enterprise, threatened financial disturbance, and invited schemes of public plunder; and, after discussing various suggested modes of relief, he attacked the existing laws as "the vicious, inequitable, and illogical source of unnecessary taxation." So stubbornly, he affirmed, had all efforts to reform the tariff been resisted by its beneficiaries, that they could hardly complain of the suspicion

that there existed "an organised combination all along the line to maintain their advantages." With regard to the question of wages, he argued that any advantage gained by the labourer on that score was destroyed by the artificial enhancement of the cost of living. He disclaimed, however, any desire to dwell upon the theories of Protection and Free Trade. It was, he declared, "a condition which confronts us — not a theory."

To the subject of tariff reform President Cleveland devoted his whole message, the usual review of foreign affairs and of the general domestic situation being altogether omitted. The Republican leaders were not slow to take up the gauntlet. As representatives of the party identified with the policy of Protection, they knew when the system was assailed, and they accepted the challenge. Blaine, who was then in Europe, answered the President's argument in a public statement, which was afterwards known as the "Paris message." A measure to give effect to the President's views was prepared in the House of Representatives, and bore the name of Mills, the chairman of the Committee on Ways and Means. It passed the House July 21, 1888. The national campaign was then in progress. President Cleveland had been renominated by the Democrats, while the Republicans, when Blaine declined to be a candidate, had nominated Benjamin Harrison. The great issue was the tariff. The Democratic platform expressly endorsed the views enunciated in President Cleveland's message, while a separate resolution, unanimously adopted by the convention, approved the Mills Bill. The answer of the Republican National Convention was unmistakeable. It declared that the Republican party was "uncompromisingly in favour of the American system of Protection," and denounced the Mills Bill as destructive to general business, and to the labour and farming interests of the country. The President's proposal to place wool on the free list was condemned. It was declared to be the policy of the Republican party to effect all needed reduction of revenue by repealing internal taxes, and by such revision of the tariff as would "tend to check imports" of articles produced in the United States. Should a surplus of revenue still remain, a preference was declared for the "entire repeal of internal taxes, rather than the surrender of any part of our protective system."

The campaign, though conducted with great energy, was not attended with any unusual incident till near the close, when a sensation was created by the publication of a letter written by Lord Sackville, the British minister, to a stranger in California, who, falsely representing himself as a naturalised American citizen of English origin, had sought his advice as to how he should vote at the approaching election. While expressing gratification that President Cleveland had, by his advocacy of "free trade," preferred the interests of the "mother-country" to those of the United States, the writer anxiously solicited Lord Sackville's opinion

as to whether the President was sincere in his retaliatory message on the fisheries question. In his reply Lord Sackville said : "You are probably aware that any political party which openly favoured the mother-country at the present moment would lose popularity, and that the party in power is fully aware of this fact. The party, however, is, I believe, still desirous of maintaining friendly relations with Great Britain. . . . All allowances must, therefore, be made for the political situation as regards the presidential election thus created." The reply was marked "private," but this circumstance did not lessen the commotion produced by its publication. It was regarded by the government of the United States as an unwarrantable interference in political affairs ; and the situation was aggravated by reports in the press of alleged statements made by Lord Sackville, the authenticity of at least some of which the ambassador afterwards denied. His recall was asked for on the ground that he had become *persona non grata ;* and, when Lord Salisbury refused to grant it, without opportunity for further investigation, the government of the United States declined to hold further intercourse with Lord Sackville and sent him his passports. The post of minister was permitted by Lord Salisbury to remain vacant till the incoming of the new Administration.

It is obviously impossible to say what effect, if any, the Sackville incident had upon the results of the campaign. Whatever effect it may have had was probably adverse to President Cleveland. He was unlikely to gain any votes either by taking action in the matter, or by abstaining from it ; while either course was sure to result in the alienation of a certain number. The Republicans, although their popular vote was somewhat less than that of the Democrats, won the presidency and gained a small majority in both houses of Congress. But, in the House of Representatives, their majority was soon increased by members from four new States — Washington, Montana, North Dakota, and South Dakota — all of which, in the first election after their admission, were carried by the Republicans.

President Harrison was duly inaugurated March 4, 1889 ; and one of the first subjects upon which he was required to act was a question of foreign affairs which had seriously disturbed the usual good understanding between the United States and Germany, producing unfavourable impressions which were not easily effaced. Indeed, Prince Bismarck in his *Memoirs* couples the Samoan incident with those of Schnäbele, Boulanger, and the Caroline Islands, as examples of his adherence to the policy of being "easily reconciled in case of friction or *untoward events*," even in spite of "some personal reluctance." The United States was the first Power to make a treaty with Samoa. The treaties of Germany and Great Britain with Samoa were concluded in the following year ; but the Germans outstripped the other Powers in trade and in planting. The increase of their commercial interests led to friction with the natives ; and on December 31, 1885, the German Consul

at Apia, as an act of reprisal, attached the sovereign rights of the Samoan King in the municipality of Apia, while an armed force from a German man-of-war hauled down the Samoan flag from the Government House. Prior to this, the government of the United States had taken no decided stand with regard to the fate of the islands. In January, 1886, however, Bayard, as Secretary of State, instructed the American minister at Berlin to express the expectation that nothing would be done to impair the rights of the United States under the existing treaty. The German government made a friendly response; and it was afterwards agreed that the British and German ministers at Washington should confer with the Secretary of State with a view to the re-establishment of order, existing arrangements in the islands to be meanwhile preserved. The conference was opened in June, 1887; but in the following month, which happened to be excessively hot, it was adjourned till the autumn, in the hope that a basis would be found for reconciling certain differences of view which the discussions had disclosed.

Immediately after the adjournment, the German government, without previous notice to the other Powers, instructed its representatives in Samoa to demand from the Samoan King, Malietoa, reparation for certain alleged wrongs, all of which were prior to the assembling of the conference; and, if he should be unwilling or unable to afford satisfaction, to declare war against him "personally." War was declared; Malietoa was dethroned and deported; and Tamasese, who had lately been in arms against the government, was installed as King, with a German named Brandeis, who had long been connected with German commercial interests in Samoa, as adviser. In September, 1888, many of the natives revolted against Tamasese, and chose Mataafa as King. Hostilities ensued; and a party of German marines, who had been sent ashore to protect German property, were ambushed by Mataafa's forces and many of them killed and wounded. A state of war with Samoa was then announced by Prince Bismarck; and the German minister at Washington complained that the force by which the German marines were attacked was commanded by an American named Klein. This allegation has often been repeated by writers, who have inferred from it that the attack was due to American inspiration. It was shown, however, by subsequent investigation that Klein, who was in no way connected with the public service, was a correspondent of the American press, who had visited Samoa merely in the pursuit of his profession. He swore that he advised the natives not to fire, and hailed the German boats to warn them of their danger; that the German marines fired first, and that he did not advise the Samoans to return the fire. Three of the natives gave evidence to the same effect; while two others, although they admitted that Klein hailed the German boats, stated that he took command of the Samoans in the ensuing fight. On neither supposition was the government or the people of the United States in any degree responsible for the unfortunate incident.

But when the correspondence in relation to Samoan affairs was published, and the facts concerning the adjournment of the conference and the subsequent seizure and deportation of Malietoa became known, there was produced in the United States a widespread feeling of resentment, not untinged with suspicion. The naval forces of the United States in the islands were increased; and a considerable sum was appropriated by Congress for the protection of American interests.

In this situation, which was such as to cause grave apprehension, Prince Bismarck proposed a resumption of the conference, with Berlin as the place of meeting. This proposal was accepted on certain conditions, which were duly arranged. The representatives of the three Powers met in Berlin on April 29, 1889. At the first session Prince Bismarck stated that, as Malietoa had expressed his earnest wish to be reconciled with the German government, he had been released and was at liberty to go wherever he pleased. This statement forestalled the raising of a preliminary question, the discussion of which could hardly have promoted good feeling; and on June 4, 1889, there was signed a general act, under which a *condominium* of the three Powers was established in Samoa. The results of this arrangement proved to be altogether unsatisfactory; and ten years later, by a treaty concluded on December 2, 1899, the group was divided, the United States receiving the island of Tutuila and its dependencies, while Germany took the rest. Great Britain, by a separate arrangement with Germany, obtained compensation in other directions. The predominance of German commercial and landed interests in Samoa was thus finally recognised. But the chief historical significance of the Samoan incident lies less in the disposition ultimately made of the islands, than in the assertion by the United States not merely of a willingness but even of a right to take part in determining the fate of a remote and semi-barbarous people whose possessions lay far outside the traditional sphere of American political interests. The tendency thus exhibited, though to a certain extent novel, was by no means inexplicable. The intense absorption of the people of the United States in domestic affairs, which resulted from the Civil War and the struggle over Reconstruction, had ceased. A last effort to extend political support to the negro, by means of a Federal law for the control of national elections, was about to end in failure. The effort nowhere excited enthusiasm. The old issues were no longer interesting: the national energy and sense of power sought employment in other fields. The desire for a vigorous foreign policy, though it jarred with traditions, had spread and become popular. The reconstruction of the navy had also begun.

The first session of the fifty-first Congress, which met in December, 1889, was rendered notable by changes in the procedure of the House of Representatives, under the direction of Reed, the new Speaker. By counting for the purposes of a quorum members present but not voting,

he struck at the power of the minority to employ obstructive tactics. A new code of rules, designed to facilitate the control and despatch of business by the majority, was adopted by a strict party vote. The limitations placed on what had been regarded as proper freedom of debate created an intense bitterness of feeling, which characterised the whole session; but the old system has not been restored. The Republican leaders also proceeded to frame a tariff bill, in the spirit of their national platform. A measure of this kind, bearing the name of McKinley, chairman of the Committee on Ways and Means, passed the House in May and the Senate in September, and, after an adjustment of differences by a conference committee, was signed by the President on October 1, 1890. It largely increased the rates of duty on competitive articles of importation. It removed the duty on sugar, which was highly productive of revenue, and gave the American sugar-planters a bounty.

The effect on the popular mind was somewhat startling. The great increase made in duties during the Civil War had generally been regarded as a temporary expedient. From time to time during succeeding years the question of a general reduction was agitated; and many influential Republican statesmen, like President Garfield, gave their support to the principle. The theory of Protection for its own sake, without regard to the effect on revenue, though it had found some advocates, especially among the publicists, had not found its way into the popular mind. Its enunciation in the Republican national platform of 1888 was perhaps not clearly apprehended, certainly in its full import. Its application in the McKinley Bill therefore attracted universal attention, and, doubtless to some extent because of its novelty, excited widespread opposition. It aroused antagonism even among the leaders of the Republican party. Blaine publicly attacked the bill as a measure that would not open a market for another bushel of wheat or another barrel of pork. His sensitiveness to this subject was doubtless enhanced by his connexion with the International American Conference, which had just closed its sessions in Washington. He had been its president; and by the Act of Congress of May 24, 1888, under which the conference assembled, one of the declared objects of its convocation was the adoption of a measure "under which the trade of the American nations with each other should, so far as possible and profitable, be promoted." It was due chiefly to Blaine's efforts that the bill was so amended as to authorise the making of limited reciprocity arrangements.

The McKinley Act had barely gone into effect when the Congressional elections were held. The Democrats carried the House of Representatives by almost a three-fourths majority. The Republicans had not only increased the tariff, but they had made liberal appropriations, besides adopting legislation that necessitated larger expenditure in future. To a certain extent an increase in national expenditure was incidental to the nation's growth; but the present increase was criticised as excessive; and

the fifty-first Congress was popularly referred to as the "billion dollars Congress," that sum representing a rough estimate of the total amount appropriated during the two sessions.

In 1892 President Harrison was renominated by the Republicans; while Cleveland, in spite of the fact that during the preceding year he had publicly proclaimed his hostility to the free coinage of silver, was again put forward by the Democrats. In each case the renomination was attended with a certain dramatic interest. The Republican National Convention met at Minneapolis on June 7. Four days earlier Blaine, who had previously declared that he was not a candidate for the nomination, suddenly resigned the office of Secretary of State; and his name was presented to the Convention. President Harrison was renominated on the first ballot; but 369 votes were cast for other persons. In the Democratic Convention, the nomination of Cleveland was strenuously opposed by the delegates from his own State, that of New York; but the effect of their opposition was broken by the belief that, by reason of the manner in which they were chosen, they failed to represent the will of the Democratic voters of the commonwealth. Ex-President Cleveland therefore was nominated on the first ballot by a majority larger than that which President Harrison had received in the Republican Convention. The election resulted in an overwhelming Republican defeat. Even States such as Illinois and Wisconsin, which had usually given large Republican majorities, were found in the Democratic column, so that the vote in the electoral college stood 277 to 145 in favour of Cleveland.

Another striking feature of the result was the casting of 22 electoral votes for General Weaver, the candidate of what was commonly called the Populist party. This party, originating in the Farmers' Alliance movement, was officially known as the People's party. It declared in its platform that the nation was on "the verge of moral, political, and material ruin." The burden of its complaint was the oppression of society by the money-power. Of this a signal proof was found in the demonetisation of silver through the machinations of "a vast conspiracy," which was declared to have been "organised on the two continents," and to be "rapidly taking possession of the world." The contest over the tariff was pronounced a "sham battle." The Populist platform therefore demanded the free and unlimited coinage of silver at the ratio of 16 to 1, the speedy increase of circulating money to not less than $50 per head of the population, a graduated income-tax, a reduction of revenues, the establishment of postal savings-banks, government ownership and management of railways and telegraphs, and the distribution of money by loans directly to the people without the intervention of banking corporations. So considerable was the strength exhibited by this party that fusions were made with it in various States by one or the other of the regular political parties. Owing to this fact, it is impossible to say precisely what was the Populist strength; but the vote nominally cast

for the Populist candidate for the presidency was upwards of a million, or a fifth of the votes cast for either of the regular candidates.

Several incidents in foreign affairs attracted wide attention during President Harrison's administration. One of these was the lynching of certain Italians in the parish prison at New Orleans, on the ground that, as members of the Mafia, they had been concerned in the assassination of the chief of police of the city, and in other crimes. This affair caused for a time almost a suspension of diplomatic relations with Italy, but it was closed by the payment of an indemnity, after the local authorities had failed to indict the leaders of the mob. Another incident was the controversy with Chili, growing out of the killing and wounding of a number of sailors of the U.S.S. *Baltimore*, at Valparaiso, in October, 1891. On the assembling of Congress in December, 1891, the incident was discussed by the President and the Secretary of the Navy, both of whom complained of the attitude of the Chilian authorities. Señor Matta, who was then Chilian Minister of Foreign Affairs, issued in reply a circular in which he imputed to the government at Washington "inexactness" and insincerity. The Chilian Cabinet was soon afterwards reorganised; and when in January, 1892, the United States presented an ultimatum, the Chilian government apologised for Matta's action, offered a suitable expression of regret for the attack on the American sailors, and proposed to refer the question of further reparation to the Supreme Court of the United States. A settlement, comprising the payment of an indemnity, was effected through the usual diplomatic channels.

The discussion as to the fur-seals in Behring Sea began in the first administration of President Cleveland, but did not assume a controversial form till 1889. The first seizures of Canadian sealers outside territorial waters took place in 1886; but the vessels were ordered to be released, and the maritime Powers were invited to co-operate in the protection of the seals by joint action. This proposal seemed to excite no opposition; and an arrangement with Great Britain seemed to be assured, when the negotiations were arrested owing to an objection raised by Canada, apparently occasioned by the adverse report of the Foreign Relations Committee of the Senate on the treaty touching the north-eastern fisheries. The advent of the new Administration was followed by fresh seizures; and Blaine, who had then become Secretary of State, abandoning the principle of co-operation, sought to establish a right of protection on moral and legal grounds. To this end he argued that pelagic sealing, since it was destructive of the species, was to be considered as an act *contra bonos mores*, and that, moreover, it constituted a violation of immemorial rights which the United States had acquired from Russia on the cession of Alaska. The latter argument assumed various forms, one of which has been popularly and even judicially interpreted as a claim of *mare clausum*. In December, 1890, however, Blaine declared that the United States had never desired to make such a claim, and he

expressly disavowed it. In the arbitration at Paris, under the treaty of February 29, 1892, counsel for the United States relied chiefly upon a theory of property in seals ; but as this theory had not found expression in positive law, even in the United States, it was not accepted by the tribunal. The claim of right having thus been disallowed, the arbitrators, in conformity with the treaty, drew up a plan of joint regulations, which was put into force. Under a subsequent convention, British subjects, whose vessels had been seized, were duly compensated (1898).

The tendency towards a more active foreign policy, clearly exhibited during President Harrison's administration, was illustrated by the Act of Congress authorising the appointment of ambassadors to foreign countries, wherever such countries gave that rank to their representatives in Washington ; but it was much more strikingly exemplified by the conclusion, almost at the close of his term of office, of a treaty for the annexation of the Hawaiian Islands. From an early day the United States had asserted a predominant interest in this group. The events of 1854, when a treaty for annexation was agreed on, were followed by other warnings that the question of forming closer ties waited upon crises in native affairs ; and the exceptional stipulations of the reciprocity treaty of 1875 merely accentuated the protective relation which the United States had maintained toward these islands. In 1887 the native King, Kalakaua, who had, by seeking to intervene in the affairs of Samoa, and by other unwise courses, shown a want of stability, was induced, under pressure of the white element, to accept a new constitution. Under this constitution the native Hawaiians were restive, since it established responsible government and in other ways curtailed their political power.

On January 14, 1892, Queen Liliuokalani, who had succeeded Kalakaua in the royal office, sought by a *coup d'état* to restore the old constitution. A counter-revolution took place ; and on January 16 a body of marines was landed from the U.S.S. *Boston*. The next day a republic was proclaimed, to last until terms of union with the United States were agreed on. The new government was recognised by the American minister. The Queen abdicated, declaring that she did so under compulsion, and that she would appeal to the government at Washington for reinstatement. The Provisional government immediately despatched commissioners to the United States. They were received at the Department of State on February 4 ; and on the 15th a treaty of annexation, which was signed the day before, was sent to the Senate. Action upon it had not been taken, when President Cleveland, succeeding to the presidency, withdrew it, and sent a commissioner to Hawaii to make an investigation. The commissioner reported that the revolution was brought about with the connivance of the American minister, and that the presence of the American marines, who were landed at the minister's instance, influenced the Queen in abdicating.

A new minister to Hawaii was appointed, with instructions to endeavour to bring about the Queen's restoration. This plan, when it became known, was violently attacked in the United States and met with much popular opposition ; and any possibility of carrying it into effect was destroyed by the action of the Queen, who, when the American minister, in conformity with his instructions, requested an amnesty for those who were concerned in her overthrow, replied that the law must take its course. The penalty of their offence was death and the forfeiture of their estates. A constitutional republic was afterwards duly established, and was formally recognised by President Cleveland. It lasted till the islands were annexed to the United States in 1898.

In domestic affairs, the first question on which President Cleveland, after his second inauguration, was required to act, was that of the currency. On June 4, 1893, he announced his purpose to convene Congress in special session in the following September, in order to consider that question. The subsequent development of signs of panic caused him to issue a proclamation designating August 7 as the day of meeting. The country, in fact, was in the midst of a serious financial crisis. The hoarding of gold had assumed alarming proportions. It was impossible, even upon the best security, to obtain money for the needs of current business. Shares in the soundest companies had in many instances fallen to prices representing less than half their usual market value. When Congress assembled, President Cleveland immediately laid before it a measure of relief. The existing disorders he ascribed chiefly to the statute of July 14, 1890, commonly called the Sherman Act, by which the Secretary of the Treasury was commanded each month to purchase, if so much should be offered, 4,500,000 ounces of silver, issuing therefor Treasury notes which were redeemable on demand in gold or silver coin, at the discretion of the Secretary, but which were on redemption to be reissued. This Act did not represent the financial views of its putative author, who was an advocate of sound money, but was a measure of compromise, designed to prevent the defection of "silver" Republicans, as well as the passage, with the support of members of both parties, of a bill for the free coinage of silver at the ratio of 16 to 1. The Act, however, declared it to be the established policy of the United States to maintain the two metals on a parity with each other, at whatever ratio might be fixed by law. To this end the Secretary of the Treasury was required constantly to submit to demands for gold, since any refusal of them would at once have discredited silver obligations and destroyed the parity between the two metals. In three years the gold coin and bullion in the Treasury had decreased by more than $132,000,000, while the silver coin and bullion had increased by more than $147,000,000 ; and the excess of exports over imports of gold was rapidly increasing. The President therefore recommended the repeal of the purchasing clause of the Act of 1890, and the adoption of

such other legislation as would assure the maintenance of the gold standard. On November 1 the clause was repealed, but no other legislation was adopted. The gold reserve had then fallen to about $80,000,000.

Meanwhile, the Democratic members of the Committee on Ways and Means of the House of Representatives had begun the preparation of a tariff bill. The result of their labours was the Wilson Bill, which derived its name from that of the chairman of the committee. Its basal principles were the adoption, wherever practicable, of *ad valorem* instead of specific duties, and the freeing from taxation of "those great materials of industry that lie at the basis of production." The free list was largely extended, and rates of duty were generally lowered. The loss of revenue was expected to be made good by an internal revenue bill. A clause was inserted repealing the reciprocity provision of the McKinley Act. The principal feature of the Internal Revenue Bill was a tax of two per cent. on the incomes of individuals and of corporations; but, in the case of individuals, only income in excess of $4000 was to be assessed. Strong opposition to this measure was manifested in the East, but it was popular in the South and West; and a Democratic caucus, against the wish of Wilson, decided to attach it to the Tariff Bill. The bill, as thus amended, was adopted by the House of Representatives; but in the Senate it was thoroughly revised. Sugar, iron ore, and coal were restored to the dutiable list; and, when the bill came to be discussed, it was evident that, by reason of its bearing on the industries of various States, it could not command undivided party support. When it passed the Senate, early in July, 1894, it was essentially altered; and it was not until August 13 that an agreement was reached between the two Houses. In the meantime the questions at issue had produced a serious breach in the Democratic ranks; and President Cleveland had openly espoused the cause of the House of Representatives, especially with reference to the sugar schedule. A compromise measure, which was known as the Wilson-Gorman Bill, became law on August 28, without the President's signature. The income-tax was retained, but it was subsequently declared by the Supreme Court to be unconstitutional. In the elections held in the autumn of 1894 the Republicans swept the country, securing a majority of 140 in the House of Representatives, in which many leading Democrats, including Wilson, lost their places. The Democrats also lost their hold on the Senate.

While the struggle over the tariff was in progress at Washington, a serious labour disturbance occurred at Chicago. The workmen employed in the shops of the Pullman's Palace Car Company near that city having struck against a reduction of wages, and the company having refused to refer the matter to arbitration, the president of the American Railway Union, an organisation of railway workers, ordered a sympathetic "boycott" of Pullman cars. The execution of this order was accom-

panied by widespread disorders and the stopping of traffic by violent and unlawful means. Injunctions against the rioters were issued by the Federal courts ; and among those who were arrested was the leader of the Railway Union. On July 1 President Cleveland gave orders for the protection of the mails and of inter-State commerce by regular troops ; and, a few days later, when rioting had become general at Chicago and many cars were burned and damaged, he issued a proclamation calling on the mobs to disperse on pain of being dealt with as public enemies. The rioting at Chicago was immediately brought to an end ; and order was gradually restored along the railroad lines in other places. The President's action in sending troops to the scene of disturbance, without awaiting a requisition of the State authorities, was the subject of much heated discussion ; but it was at the time approved with little opposition by both Houses of Congress.

The question of the currency, however, continued to be a disturbing factor ; and the task of the government in dealing with it was rendered more difficult by the falling off in revenue. In November, 1894, February, 1895, and January, 1896, the President, in order to avoid a suspension of gold payments, was obliged to resort to the sale of bonds. Two of these issues were made to bankers' syndicates, who placed themselves under special obligations to maintain the gold reserve. The third issue was offered to the public. The amount was $100,000,000 ; the subscriptions exceeded $680,000,000 ; but it was found in some instances that bids were speculative, the subscribers drawing gold from the Treasury in order to make their payments. The banks of the country subsequently lent their aid by depositing part of their gold reserves in the Treasury.

In May, 1895, President Cleveland issued an Order bringing 30,000 places within the Civil Service Law. With this addition the classified service embraced more than 85,000 places, or substantially all between the grade of labourer and those subject to confirmation by the Senate. This was the last of a series of Orders by which he had, since his first inauguration, steadily extended the application of the Civil Service Law. He also continued to oppose what he conceived to be irregularities and extravagances in the pension system, the cost of which, during the fiscal year ending June 30, 1894, was $158,000,000.

In foreign affairs President Cleveland's second administration was marked by two events which have exerted, and must continue to exert, profound effect on the future of the United States. These were the Venezuelan incident and the insurrection in Cuba. The Venezuelan incident, as is well known, grew out of a long-standing dispute between Great Britain and Venezuela, the continuation of a dispute two centuries old between the Netherlands and Spain as to the limits of the Dutch and Spanish settlements in Guiana. As a mere question of disputed boundary, however complicated, it would ordinarily have

attracted little attention. But it came in time to assume a form in which it seemed to involve a traditional principle of American policy. In 1844 Lord Aberdeen proposed to Venezuela a conventional line, beginning at the river Moroco. This proposal was declined; and, chiefly in consequence of civil commotions in Venezuela, negotiations were practically suspended till 1876. Venezuela then offered to accept the Aberdeen line; but Lord Granville in return suggested a boundary further west. In subsequent negotiations the boundary of the district claimed by Great Britain was moved still further westward, and the exercise of jurisdiction followed the advance. Venezuela, representing that this apparent enlargement of British dominion constituted a pure aggression on her territorial rights, invoked the aid of the United States, on the ground of the Monroe Doctrine. This doctrine has been variously interpreted by statesmen and scholars; but in its popular form, with which all governments, including that of the United States, must reckon, it involves the principle that no European Power shall be permitted to acquire new possessions or to extend its dominions in the Western hemisphere. This meaning is conveyed in the phrase, "America for the Americans." Venezuela asked for arbitration, and in so doing included in her claim a large portion of British Guiana; Great Britain at length declined to arbitrate unless Venezuela would first yield all territory within a line to the westward of that offered by Lord Aberdeen. It must be confessed that demands for the unrestricted submission of territorial claims have by no means been invariably conceded; but the reservation made by Great Britain embraced much territory to which, in the light of the negotiations, and in the absence of authentic information as to the merits of the British case, seemed to be questionable.

In these circumstances Olney, as Secretary of State, with the approval of the President, in July, 1895, categorically enquired whether the British government would submit the whole controversy to arbitration. In making this inquiry, he reviewed the history of the dispute and the various efforts of the United States to bring about a settlement, and maintained that, as Venezuela was unable to establish her claims by any but peaceful methods, Great Britain's assertion of title, coupled with her refusal to allow its investigation, constituted in substance a forcible appropriation of the territory. Lord Salisbury's answer, refusing unrestricted arbitration, was made in two notes. In one of these he questioned the authority of the Monroe Doctrine, and also denied its applicability to the boundary question. In the other he maintained that the failure to agree was due to the baselessness of Venezuela's claims and her lack of stable government; and explained that Great Britain had adopted an irreducible boundary because Venezuela insisted on including in the arbitration a large tract of country which had long been settled by British subjects, and to which no effectual Spanish claim had ever been made.

When the British answer was received in December, 1895, President Cleveland laid the correspondence before the Congress. Affirming that the matter was one that involved, on the principles of the Monroe Doctrine, the vital interests and safety of the United States, he recommended the appointment by the United States of a commission to investigate the merits of the controversy. He declared at the same time, that, in case of the title being found to belong to Venezuela, it would be the duty of the United States "to resist by every means in its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela." The publication of this message, which was generally construed as suggesting the possibility of a collision, was followed by an outbreak of great popular excitement. Congress with unanimity adopted the President's recommendation as to a commission of investigation; but the commission, immediately after its appointment, addressed to Secretary Olney a letter, setting forth its peaceful and non-partisan character and the desirability of securing the co-operation of Great Britain and Venezuela in obtaining evidence. Both governments responded to the appeal; but the labours of the commission were brought to a close by the conclusion of a Treaty of Arbitration. The signatories of this treaty were Great Britain and Venezuela; but its essential provisions were the result of direct negotiations between the former Power and the United States. Its predominant feature was the application of the principle of prescription, under the definite rule that fifty years' adverse holding of a district, either by exclusive political control or by actual settlement, should suffice to constitute a national title. The adoption of this principle, which in the circumstances of the case furnished the only practicable basis for a judicial decision, at once removed the foundation of a large part of the Venezuelan claim. The results of the arbitration were decidedly favourable to Great Britain.

A general Arbitration Treaty between the United States and Great Britain was signed by Secretary Olney and Sir Julian Pauncefote, at Washington, on January 11, 1897. It failed, however, to pass the Senate, the vote in its favour, on May 5, 1897, standing 43 to 26, or less than the requisite two-thirds majority of the senators present.

The chief issue of the presidential campaign of 1896 was the currency question. The Republicans, in their National Convention at St. Louis, in June, declared: "We are opposed to the free coinage of silver except by international agreement with the leading commercial nations of the world, which we pledge ourselves to promote; and, until such agreement can be obtained, the existing gold standard must be preserved." When this resolution was adopted, thirty-four delegates, comprising all or a part of the members of the several delegations from the States of

Colorado, Idaho, Montana, Utah, South Dakota, and Nevada, withdrew from the Convention. The platform further declared that protection and reciprocity were "twin measures of Republican policy"; and that the United States ought to control Hawaii, own the Nicaragua Canal, buy the Danish West Indies, prevent European encroachments in America, and use its "influence and good offices" for the peace and independence of Cuba. In his letter of acceptance, dated August 26, McKinley, the presidential nominee of the party, gave the chief place to the free coinage issue.

The Democratic National Convention, which met in Chicago early in July, fell completely into the grasp of the radical silver element. President Cleveland's administration not only failed to secure approval, but was obviously condemned. The platform denounced the issue of bonds in time of peace and the "trafficking with banking syndicates," demanded that paper-money should be issued only by the government, criticised the income-tax decision of the Supreme Court, and condemned "government by injunction" and the "arbitrary interference by Federal authorities in local affairs." Its spirit and purpose were summed up in the demand for the "free and unlimited coinage of both gold and silver, at the present legal ratio of 16 to 1, without waiting for the aid or consent of any other nation." The delegates opposed to this resolution took no active part after its adoption in the proceedings of the Convention. William J. Bryan, of Nebraska, was nominated for the presidency. The Populists afterwards nominated him for the same office, but absolved him from endorsing their platform as a whole. It was not, however, essentially unlike the platform promulgated at Chicago. Bryan's letter of acceptance was devoted chiefly to the advocacy of the free coinage of silver. The Chicago Convention was followed by the defection of prominent Democrats all over the country; and early in August a conference at Indianapolis, representing thirty-five States, issued a call for a convention of the "National Democratic Party" to be held in that city on September 2. In this Convention all the States, except Wyoming, Idaho, Utah, and Nevada, were represented. This Convention declared for the gold standard and endorsed the administration of President Cleveland. It nominated candidates for the presidency and vice-presidency. Its proceedings were publicly approved by President Cleveland and all the members of his Cabinet, with the exception of Smith, Secretary of the Interior, who had resigned his place in August.

The Republicans carried every State north of the Potomac and the Ohio and east of the Mississippi. They made great gains in the West and even in some of the States in the South. Their plurality in New York was nearly 270,000. In the electoral college McKinley received 271 votes, while Bryan received 176. President McKinley was inaugurated on March 4, 1897. In his inaugural address he praised arbitration and declared that peace was "preferable to war in almost

every contingency." He also announced that an extra session of Congress would be called to deal with the tariff, the revenue being, as he maintained, inadequate to the expenses of the government. When Congress met on March 15, a tariff measure was introduced by Dingley. It was expected to produce an increase in revenue of from seventy to one hundred millions. Wood, lumber, and many other articles were transferred from the free to the dutiable list; and a general increase was made in existing rates of duty, exceeding, in some instances, the rates of 1890. In the House there were 206 Republicans, 122 Democrats, and 29 of other parties; and Reed was re-elected as Speaker. The bill passed the House on March 31, 1897, by a vote of 205 to 121. It was amended in the Senate, where the Silver Republicans and Populists still held the balance of power; and, after passing through a conference committee, it became law by the President's signature on July 24, 1897. As soon as the tariff was disposed of, the President presented the subject of the currency; but the special session adjourned without definitive action upon it. In his annual message of December 6, 1897, President McKinley gave the first place to the currency question. At the first session of the fifty-sixth Congress, which began December 4, 1899, an Act was passed for the preservation of the gold standard. The gold dollar was adopted as the unit of value, all other forms of money to be maintained at parity with it. A gold reserve of $150,000,000 was established, with power if necessary to issue bonds to maintain it. Provision was made for refunding the national debt in two per cent. bonds running thirty years. The national banking law was so amended as to allow national banks to be organised with a minimum capital of $25,000, with authority to issue notes to the par value of their United States bonds deposited in the Treasury.

Meanwhile the country had entered, as the result of the war with Spain, on the course which has been distinctively called Expansion. In reality the history of the United States presents an almost continuous record of territorial extension; but this extension had for the most part been confined to the North American continent. The decision to assume responsibilities beyond the seas was unpremeditated. The train of events, of which it was the result, began with the outbreak of the insurrection in Cuba, in February, 1895. With reference to this conflict the United States assumed an attitude of neutrality and non-intervention; but, as time wore on, it became more and more difficult to maintain that position. During the previous insurrection, from 1868 to 1878, the government of the United States, in pursuing, even in the face of "untoward events," a neutral course, was aided by the admonitions which the people were daily receiving at home of the difficulties that might attend the re-establishment of order in a large and populous island where the process of emancipation was still going on. In 1895 the

situation had changed in the United States as well as in Cuba. American interests in the island had also increased, in planting, in mining, and in other enterprises; even in the past five years the volume of trade had almost doubled. The second insurrection was, besides, more active than the first, and spread itself over a wider area. At the end of two years it seemed, by reason of the failure of Spain's extraordinary offorts to suppress it, to admit of indefinite prolongation. If the conflict were left to take its course, the ruin of the island was apparently assured. The United States tendered its good offices; but the offer was not productive of any tangible result. In his annual message of December 7, 1896, President Cleveland declared that it could not be reasonably assumed that the United States, though anxious to accord all due respect to the sovereignty of Spain, would indefinitely maintain an expectant attitude; and he added that when Spain's inability to suppress the insurrection had become manifest, and the struggle had degenerated into a hopeless strife involving useless sacrifice of life and the destruction of the very subject-matter of the conflict, a situation would be presented in which the obligation to recognise the sovereignty of Spain would be superseded by higher obligations.

Conditions in the island continued to grow worse. General Martinez Campos, as Captain-general during the earlier stages of the conflict, declared it to be his policy to encourage and protect productive industry. His successor, General Weyler, while requiring the owners of plantations to maintain forces for self-defence, prohibited production. His policy was embodied in his measures of "concentration," the object of which was to reduce the island to a condition in which the insurgents must either surrender or starve. The distress produced by these measures excited strong feeling in the United States, and led President McKinley to request Spain to put an end to existing conditions and restore order. When this request was presented, Señor Canovas had fallen by the hand of an assassin, and had been succeeded as head of the Spanish Administration by Señor Sagasta. The reply of the Sagasta government was of a friendly character. It announced that an autonomous *régime* would be instituted, and that the mode of conducting hostilities would be modified. President McKinley therefore, in his annual message of December 6, 1897, expressed the opinion that the time had not come for the recognition either of belligerency or of independence, or for intervention. Steps were taken, however, to ameliorate the condition of the *reconcentrados;* and a Central Cuban Relief Committee was appointed, with headquarters at New York. In Cuba General Weyler was succeeded by General Blanco, who represented the new Spanish policy. But neither the offer of autonomy, nor the actual institution of an autonomous government, produced peace. The insurgents, embittered by three years' conflict, in which the rights of war were denied them, rejected the programme of autonomy with substantial unanimity, while the distinctively

Spanish element of the population viewed it with disapprobation and withdrew from politics.

In this delicate situation the intervention of the United States was precipitated by certain startling incidents. On February 8, 1898, there was published in New York a private letter which Señor Dupuy de Lome, the Spanish minister at Washington, had written to Señor Canalejas, a Spanish journalist, who, after visiting the United States, had gone to Cuba. This letter, as it appears, was abstracted from the mails at Havana by a Cuban sympathiser. From internal evidence it appeared to have been written about the middle of December, 1897. It described President McKinley as a weak and shifty politician, a bidder for the admiration of the crowd, who tried to leave a door open behind him while keeping on good terms with the "jingoes" of his party; and intimated that it would be advantageous for Spain to take up, "even if only for effect," the question of commercial relations. When the letter was published, this suggestion had actually been adopted. Señor Dupuy de Lome frankly acknowledged his authorship of the letter, and, with a view to save his government from embarrassment, cabled his resignation to Madrid. The Spanish government not only accepted his resignation, but disclaimed any participation in his sentiments, and on February 14 the incident was declared to be closed.

On the evening of the next day the U.S.S. *Maine* was blown up at Havana, and 266 of her crew perished. She had been sent to Havana on January 24, in consequence of representations that Americans there were in danger from anti-autonomy rioters. Her visit was declared to be entirely friendly. When she sank Spanish officials assisted in the rescue and relief of the survivors of her crew, and they afterwards paid funeral honours to the dead. The United States, however, appointed a naval board to investigate the cause of the disaster; and Spain, after the United States had rejected a proposal for a joint investigation, entered upon an independent inquiry. Feeling in the United States was deeply stirred; and a request from the Spanish government for the recall of the Consul-general at Havana was promptly refused. A profound effect on public opinion was also produced by a speech made in the Senate by Proctor, of Vermont, who, by a calm narration of his personal observations in Cuba, confirmed the growing conviction that independence was the only solution of the difficulty. Early in March Congress unanimously placed at the President's disposal $50,000,000 for national defence. The report of the naval board of inquiry on the case of the *Maine* was made public on March 28. It found that the destruction of the ship was caused by the explosion of a submarine mine, which in turn produced an explosion in the ship's forward magazines; but no evidence was obtained to fix the responsibility. The President transmitted the report to Congress, and communicated the substance of it to the Spanish government. At the same time the Spanish government informed the

United States that the Spanish commission had reported that the explosion was due solely to some interior cause.

Meanwhile, President McKinley had proposed to Spain the conclusion of an armistice to last till October 1, 1898, the entire revocation of the decrees of concentration, the restoration of all the *reconcentrados* to their homes, and the distribution of provisions and supplies from the United States to the needy in co-operation with the Spanish authorities. In reply Spain offered to leave the question of peace to the autonomous parliament, which was to meet on May 4. She was prepared to suspend hostilities if the insurgents should request it. She declared that the concentration orders had been revoked, and accepted the offer with regard to relief of the suffering. The case of the *Maine* she proposed to submit to arbitration. On April 1 it was announced that the President considered this reply unsatisfactory, and that he would submit the matter to Congress in a message. War then seemed to be inevitable. The presentation at Washington by the representatives of the six great Powers of Europe of a note, in which the hope was expressed that further negotiations might result in peace, called forth from President McKinley the reply that the conditions existing in Cuba could no longer be endured. On April 10 Spain proclaimed an armistice in Cuba. On the preceding day, however, the Consul-general of the United States at Havana, with the last of the American residents, had embarked for the United States; and on Monday, April 11, the President communicated to Congress his promised message. It recommended intervention, which it justified on grounds of humanity; of the protection due to American citizens in Cuba and to their trade and industry; and of the fact that the existing condition of things constituted a constant menace to peace. Of this condition the case of the *Maine* was cited as an illustration. Declaring that "the war in Cuba must stop," the President asked Congress to give him power to terminate it and secure in Cuba a stable government capable of maintaining order and of preserving international obligations, and to this end to employ the army and navy. In conclusion he mentioned the armistice just proclaimed by Spain, and asked that it should have due consideration.

The response of Congress was embodied in a joint resolution, which was approved by the President on April 20, 1898. It declared that the people of Cuba "are and of right ought to be free and independent"; demanded that Spain should at once relinquish her authority and government there; "directed and empowered" the President to use the army and navy to enforce the demand; and disclaimed for the United States any intention to "exercise sovereignty, jurisdiction, or control" over the island "except for the pacification thereof." The resolution was communicated as an ultimatum to the Spanish minister at Washington, and was cabled to General Woodford, the minister of the United States at Madrid. The

Spanish minister immediately requested his passports, and left Washington; and General Woodford, before he had had an opportunity to carry out his instructions, was notified by the Spanish government that the approval of the resolution by the President was considered as a declaration of war, and that diplomatic relations between the two countries had ceased. He at once withdrew. Next day, April 22, 1898, President McKinley proclaimed a blockade of the north coast of Cuba from Cardenas to Bahia Honda, and of the port of Cienfuegos on the south coast; and on April 25 Congress adopted a formal declaration that war had existed since the 21st. Though neither government had adhered to the Declaration of Paris, the United States declared that it would be its policy not to resort to privateering. Spain reserved the right to issue letters of marque, but issued none. Both governments exercised the right of employing auxiliary cruisers, under naval control. The second, third, and fourth rules of the Declaration of Paris were proclaimed by both belligerents as principles of international law. American ships lying in Spanish ports on the outbreak of the war were allowed five days in which to depart. Spanish ships in American ports were allowed to load their cargoes and depart within thirty days; a similar concession was made to neutral vessels lying in Spanish ports which the United States blockaded; and Spanish ships that had sailed for the United States prior to April 21 were permitted to enter, discharge, and depart with the assurance of an unmolested voyage to any port not blockaded.

In spite of these liberal measures, it must be admitted that popular sentiment in foreign countries, as exhibited by the press, was strongly adverse to the American intervention. To this rule, however, Great Britain, and perhaps even more so her colonies, formed an exception so agreeable to the United States that the sentiment of fraternity became unusually prevalent and popular in that country. But the disposition to censoriousness, in whatever quarters it existed, was soon modified by the course of the conflict.

Some weeks before the outbreak of the war active preparations had been in progress, especially on the part of the United States, for the conflict that seemed to be inevitable. Early in March authority was given by Congress for the raising of two additional regiments of artillery, and on April 16 the regular army was put in motion toward points of concentration from which it would be available for active service, particularly in Cuba. On the rejection by Spain of the American ultimatum the President was empowered by Congress to prohibit the exportation by sea of coal and other materials used in war; and provision was made for the creation of a volunteer army. The President issued a call for 125,000 volunteers for two years. The regular army was reorganised and placed on a war footing, and its numbers were raised from 27,000 to 61,000. American officers were authorised to furnish subsistence to inhabitants of Cuba who were destitute and in

danger of perishing, and to supply the "Cuban people" with arms and ammunition. Measures also were adopted for the increase of the revenues of the United States; and an issue of 3 per cent. bonds was authorised to an amount not to exceed $500,000,000.

When hostilities began, the naval forces of Spain were divided into three parts: one, under Admiral Camara, remained at home; another, under Admiral Cervera, had its rendezvous at the Cape de Verde Islands; while the third, under Admiral Montojo, lay in Philippine waters. The American naval forces were similarly divided; but, of the three squadrons, two lay in home ports: one at Key West, under Captain Sampson, who was assigned to the command of the North Atlantic station with the rank of rear-admiral; the other, called the flying squadron, at Hampton Roads, under Commodore Schley. The third, under Commodore Dewey, was at Hong Kong. The United States also organised a numerous force, popularly called the "Mosquito fleet," composed of steamships, yachts, and tugs, which were purchased or chartered for service as auxiliary cruisers, torpedo boats, and despatch boats.

On April 24 Commodore Dewey was ordered to proceed to the Philippines, and to capture or destroy the Spanish fleet there. Finding the enemy in Manila Bay, he began his attack early in the morning of May 1. By noon the Spanish ships, though supported by land batteries, were all burnt or sunk, except some small tugs and launches which were captured. The Spanish admiral, Montojo, reported that the Americans "fired most rapidly," covering his ships with "a rain of rapid-fire projectiles"; on the other hand, he complained of the inefficiency of his own vessels, some of which he ordered to be sunk during the battle in order to prevent their destruction by fire. The Spanish loss was 381 killed and wounded, including casualties at Cavité arsenal. Though several of the American vessels were struck and even penetrated, the damage done to them was trifling. Seven men in the squadron were slightly wounded; none was killed. Commodore Dewey took possession of Cavité arsenal, and established a blockade of Manila; while Filipino forces, under Aguinaldo, invested Manila on the north and east. Thereupon an expeditionary force, consisting of 641 officers and 15,058 enlisted men, under the command of Major-General Merritt, was fitted out by the United States; and on August 13 the city of Manila, for whose surrender a joint demand had been made by General Merritt and Admiral Dewey, capitulated with 13,000 men, before the combined attack of the American military and naval forces. Toward the end of June the Spanish home squadron under Admiral Camara had started for the Philippines; but, after passing through the Suez canal, it was recalled.

In the Atlantic the operations of the war were more complex. Expeditions were planned for the invasion of Cuba and Porto Rico; and naval demonstrations were made at exposed points in those islands. Blockades were maintained on the southern as well as the northern

coast of Cuba, and at San Juan, Porto Rico. On May 14 the fleet of Admiral Cervera, for which the squadrons of Sampson and Schley had both been searching, was reported at Curaçao. Five days later it entered the harbour of Santiago de Cuba, where its presence was discovered only at the end of the month. A blockade was then instituted to prevent its escape; and a concentration of the American squadrons was promptly effected. On June 22, the advance of the invading army, composed of 14,000 regulars and 2,500 volunteers, under General Shafter, landed at Daiquiri, fifteen miles east of Santiago; and the movement against Santiago began. On June 23 the Spanish outposts at Las Guasimas were driven in; on July 1 the outworks of Santiago were gained; and next day the heights of El Caney and San Juan were, after an obstinate resistance, carried by assault, the Americans losing more than 103 officers and 1492 men, killed and wounded. On July 3 occurred the decisive event of the campaign. The Spanish fleet, in attempting to leave the harbour of Santiago, was met by the American ships and destroyed. Admiral Cervera and more than 1300 of his men were taken prisoners, while about 600 perished. The American ships were repeatedly struck, but none was seriously injured; while but one man was killed, and one severely wounded. On July 17 Santiago capitulated to General Shafter. The capitulation covered the entire eastern end of Cuba, and included 22,000 Spanish soldiers, all of whom the United States agreed to return to Spain. Arrangements to that end were at once begun; but, before they were completed, the United States was obliged to undertake the removal of its own troops, who, weakened by the hardships of the campaign, were prostrated in large numbers by climatic diseases. The malady most prevalent was malarial fever; but dysentery and yellow fever had also appeared. At this time loud complaints were heard of inefficiency in army management, especially in the commissary and quartermaster's departments, not only among the troops in Cuba, but also among those who were collected in camps in the United States. Without entering into the merits of the controversies to which these complaints gave rise, it is not improper to remark that there is no business in which preparation and training are more requisite than in war; and that the attempt, by means of an organisation designed to maintain 25,000 regular soldiers in time of peace, to create and move an army of 200,000 men, mostly volunteers, in time of war, must inevitably be attended with some confusion and disorder.

On the fall of Santiago, an expedition set out for the invasion of Porto Rico. This expedition, which sailed from Guantanamo, Cuba, on July 21, was under the command of General Miles, and consisted of upwards of 3,500 men whom he had just led to Santiago for the reinforcement of General Shafter. Miles landed at Guanica on July 25, with little opposition, and was soon reinforced by troops under Generals Schwan, Wilson, and Brooke, till his army numbered 16,973 officers and

men. On July 27 he entered Ponce, from which point he directed operations, and in the course of two weeks had obtained possession of a large part of the island, when hostilities were suddenly arrested.

The rapid progress of the American arms, and particularly the destruction of the Spanish fleets at Manila and Santiago, induced the government of Spain on July 22, 1898, to make formal overtures for peace. It was intimated that Spain was prepared to relinquish her sovereignty over Cuba, and a wish was expressed to learn from the President the basis on which a "political status" might be established there and an end be put to a conflict "which would continue without reason should both governments agree upon the means of pacifying the island." The President replied on July 30. The suggestion that the war might be brought to a close on the basis of an agreement as to the future status of Cuba was not accepted. On the contrary, it was declared that the "local question" as to the peace and good government of Cuba, out of which the war had grown, had by the course of events been "transformed and enlarged into a general conflict of arms between two great peoples." The terms which the President offered were expressed in these words:

"The United States will require:

"*First.* The relinquishment by Spain of all claim of sovereignty over and title to Cuba, and her immediate evacuation of the island.

"*Second.* The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless, he cannot be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones to be selected by the United States.

"*Third.* On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbour of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.

"If the terms hereby offered are accepted in their entirety, commissioners will be named by the United States to meet similarly authorised commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated."

In regard to Cuba, Porto Rico, and other Spanish islands in the West Indies, and the island in the Ladrones, the answer of Spain, which was dated August 7, in substance accepted, without qualification or reserve, the President's terms. In respect of the Philippines, it was less specific. Though it declared in conclusion that the government of the Queen

Regent "accepts the proffered terms, subject to the approval of the Cortes of the kingdom, as required by their constitutional duties," some of the expressions used in relation to the Philippines were not free from ambiguity. This circumstance induced the President to pronounce the note unsatisfactory, and to propose, as the most direct and certain way of avoiding misunderstanding, to embody in a protocol the precise terms on which negotiations should be undertaken. This course was adopted; and on August 12 the protocol was signed at Washington by Judge Day, Secretary of State, duly empowered by the President for the purpose, and by the French ambassador, Cambon, acting under a special full power from the Queen Regent of Spain.

This protocol embodied, without qualification or reserve, the precise terms offered by the President to Spain on July 30. It consisted of six articles. By the first, Spain agreed to "relinquish all claims of sovereignty over and title to Cuba." By the second, she engaged to cede Porto Rico and other Spanish islands in the West Indies, and an island in the Ladrones, to be selected by the United States. The third was in these words: "The United States will occupy and hold the city, bay, and harbour of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines." The fourth provided for the appointment of two commissions, to meet respectively at Havana, in Cuba, and San Juan, in Porto Rico, for the purpose of carrying out the immediate evacuation by Spain of Cuba, Porto Rico, and other Spanish islands in the West Indies. By the fifth, the United States and Spain agreed each to appoint not more than five commissioners, who should meet in Paris not later than October 1, 1898, to treat of peace. By the sixth and last article, provision was made for the immediate suspension of hostilities.

In the negotiations at Paris, the two great subjects of controversy were the so-called Cuban debt and the disposition of the Philippines. For the payment of the Cuban debt the revenues of the island were pledged; but its payment was also expressly guaranteed by the Spanish nation. The debt itself was contracted by the Spanish government and its authorities in Cuba for the most part after 1868. In that year the so-called debt of Cuba amounted to only $18,000,000. In 1880, two years after the close of the ten years' war, it amounted to upwards of $170,000,000. Between February, 1895, when the last insurrection broke out, and January 1, 1898, new bonds were issued to the amount of 858,550,000 pesetas, or $171,000,000. There were also other debts, uncertain in amount, which were understood to be considered in Spain as properly chargeable to Cuba.

To Spain the question of the disposition of these financial burdens was evidently more important, from the pecuniary point of view, than that of the relinquishment of territory, the attempt to retain which had given rise to them. The Spanish commissioners therefore bent all their

efforts to the establishment of the position that the debts in question must follow the sovereignty of the island, and must be assumed by whatever nation possessed that sovereignty. The American commissioners, on the other hand, maintained that from no point of view could the debts in question be considered as local debts of Cuba or as obligations chargeable to the island; that they were created by the government of Spain, for its own purposes and through its own agents; and that the precedents which had been cited of the assumption or apportionment of debts, where a State was absorbed or divided, were inapplicable to the so-called Cuban debt, the burden of which, imposed upon the people of Cuba without their consent and by force of arms, was one of the principal wrongs for the termination of which the struggles for Cuban independence were undertaken. The American commissioners moreover contended that Spain, by her unconditional agreement to relinquish her sovereignty over Cuba, had waived the question of the debt. On these grounds the American commissioners repeatedly declined to assume the so-called Cuban debt, either for the United States or for Cuba. The discussion continued, however, till the eighth conference, on October 24, when it was brought to a head by a pointed inquiry whether the Spanish commissioners "would refuse to consider any articles as to Cuba and Porto Rico which contained no provision for the assumption of indebtedness by the United States, or Cuba, or both?" The Spanish commissioners two days later replied that they would not refuse to consider such articles, since their "final approval" must depend on an agreement upon a complete treaty; and they invited the American commissioners to enter upon the discussion of other points, and at the outset to submit a proposal with regard to the Philippine Archipelago.

The joint commission was thus brought face to face with the question of the Philippines. By the protocol of August 12 this question was left entirely open. The avowed object of the United States in so leaving it was to gain time for further consideration. The problem was both novel and perplexing. It may be confidently affirmed that before the destruction of the Spanish fleet at Manila the acquisition of the Philippines by the United States had not been suggested even as a possible contingency; but, although Dewey's victory attracted universal attention to the islands, it was not followed by any general and definite expression of desire for their annexation. An accident of war was destined to exert an important influence on the direction of public sentiment. Soon after the destruction of the Spanish fleet telegraphic communication with the islands was severed. For this reason the orders that were sent out from Washington on August 12, immediately on the signing of the protocol for the suspension of hostilities, were a week old when they reached the Philippines. Meanwhile, on August 13 Manila was captured by the American forces; and on the following day a capitulation was signed.

A peaceful occupation of the city, under the provisions of the protocol, would have excited little feeling. The report of its capture by force of arms, with some casualties, was received in the United States eight days after the signing of the protocol. The effect was visible and pronounced. It gave a decided impulse to annexationist sentiment. The question began to be popularly discussed as one, not of taking the islands, but of abandoning them; and the tendency to retain them was powerfully reinforced by the growth of a missionary spirit, which discerned in the course of events a providential opportunity to promote the welfare of the natives, an opportunity the neglect of which, because of preconceived notions of national interest, would constitute a selfish and censurable violation of duty. Nevertheless, President McKinley, in his instructions to the American Peace Commission, of September 16, 1898, went no further than to say that the United States could not accept "less than" the island of Luzon. During the following weeks, however, much consideration was given to the subject both at Washington and at Paris; and on October 28 the American commissioners were instructed that the President could see "but one plain path of duty — the acceptance of the archipelago."

The American commissioners therefore presented, on October 31, a proposal for the cession of the whole group, but stated that they were prepared to insert in the treaty a stipulation for the assumption by the United States of any existing debt incurred by Spain for public works and improvements of a pacific character in the islands. At the next conference the Spanish commissioners submitted a counter-proposal, in the form of an argumentative memorandum. In this document they contended that the protocol of August 12 did not justify a demand for the cession of the whole group; and that the capture of Manila by the American forces, after the signature of that instrument, though in fact before news of its signature was received in the islands, was, in view of the agreement for a suspension of hostilities, unlawful. On this ground they maintained that the treaty of peace ought to provide for the immediate delivery of Manila to the Spanish government, the immediate release of the Spanish garrison, the return to the Spanish government of all funds and public property taken by the American army since the occupation of the place, as well as of all taxes collected prior to its restoration; and they even demanded an indemnity for the damage occasioned by the detention of the Spanish troops as prisoners, to which they ascribed the spread of the Tagal insurrection in Luzon and its extension to the Visayas, and the ill-treatment of Spanish prisoners, civil and military, by the natives. They concluded by inviting the American commissioners to present a proposition concerning "the control, disposition, and government" of the Philippines which should conform to "the stipulations of Article III" of the protocol. To this counter-proposal the American commissioners made a detailed reply. Obviously the principal point at issue was the

proposal for the cession of the group. The American commissioners did not controvert the general principle that acts of war, committed after a general suspension of hostilities, afford no basis for a claim of title by conquest, even though such acts be committed prior to the receipt of notice of the suspension; but they pointed out that by the third article of the protocol the United States was to "occupy and hold the city, bay, and harbour of Manila pending the conclusion of a treaty of peace"; and they maintained that this meant a military occupation, with all the rights and powers of government legally incident to such occupation. The great subject of controversy, however, was the effect to be given to the words "control, disposition, and government." Did the stipulation that the treaty of peace should "determine the control, disposition, and government of the Philippines" warrant a demand for the cession of territory? Did it authorise a demand for the transfer of sovereignty over the group or any part of it?

We have seen that the words in question were first used in the note of July 30, which defined the terms on which the United States would enter upon negotiations for peace; and that the reply of the Spanish government with regard to the third condition, relating to the Philippines, was unsatisfactory. The purport of that reply was that, as Manila, though blockaded, had not been captured by the American forces, the proposed occupation of the city should be considered not as an act of conquest, but as a "guarantee"; and that, since the intentions of the United States were not disclosed in the stipulation that the treaty of peace should determine the control, disposition, and government of the Philippines, "the Spanish government must declare that, while accepting the third condition, they do not *à priori* renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators to agree as to such reforms as the condition of these possessions and the level of culture of their natives may render desirable." It may fairly be argued that the statement that the Spanish government did not "*à priori*" renounce "the sovereignty of Spain over the archipelago" clearly implied that the renunciation of sovereignty might become the subject of negotiation, and constituted an acceptance of the condition that the question of the Philippines should be left in its entirety for future determination by the treaty of peace. Nevertheless, the President declined so to treat it; and this decision was made known to the French ambassador, first in oral conference, and afterwards by a formal note, with which there was enclosed a draft of the protocol in the exact words in which it was signed two days later. The attempt to reach an agreement by correspondence was abandoned, and the terms on which the negotiations were to be undertaken were embodied in a single document.

On November 21 the American commissioners, in order to bring the discussions to a close, presented a final proposition, on the acceptance or

rejection of which the continuance of the negotiations was to depend. This proposition embraced the cession of the entire archipelago of the Philippines and the payment by the United States of the sum of $20,000,000; and, in connexion with this offer, the American commissioners stated that, "it being the policy of the United States to maintain in the Philippines an open door to the world's commerce," they were prepared to insert in the treaty a stipulation to the effect that, for a term of years, Spanish ships and merchandise should be admitted into the ports of the islands on the same terms as American ships and merchandise. The proposition also embraced a mutual relinquishment of claims that had arisen since the beginning of the insurrection in Cuba in 1895.

The Spanish commissioners made by letter various alternative proposals, as possible substitutes for the American demands. These proposals were, however, declined; and on November 28 the Spanish commissioners presented in conference a formal written acceptance of the ultimatum. The treaty of peace was signed on December 10, 1898.

The publication of the terms of the treaty was followed in the United States by an active discussion as to whether the article for the cession of the Philippines should not be amended by a declaration in favour of ultimate independence, somewhat after the example of Cuba. The contest was carried into the Senate, and the prospects of unqualified ratification seemed to become more and more doubtful. The vote was to be taken on Monday, February 6, 1899. On Sunday, the 5th, came the unexpected and startling news of a collision between the American and "Filipino" forces. Next day, by a vote of 57 to 27 — one more than the requisite two-thirds — the treaty was ratified, without amendment. The Philippine Islands became unconditionally a colony of the United States. In May, 1902, the American occupation ceasing, the Republic of Cuba, under an independent government, became a reality.

CHAPTER XXII

THE ECONOMIC DEVELOPMENT OF THE UNITED STATES

THE economic history of the United States differs from that of any European country, in the fact that it begins with the transplantation of a civilised race to a vast territory endowed with extraordinary resources. It can hardly be said that a new nation begins its development at the point that has been reached by the older nation from which it springs; for there is an inevitable return to a more primitive economic life in the adjustment to a primitive environment. Furthermore, the process of transplanting removes many of the shackles of custom and tradition which retard the progress of older countries. In a new country things cannot be done in the old way, and therefore they are probably done in the best way. There is no force to oppose the quick adoption of the methods which make most directly for the end in view. It is true that this progress of economic adjustment may have important effects on national character and on legal and political conceptions; but the period of transition is temporary, and the social changes are conditioned by the racial inheritance. The nation begins its new life with the period of apprenticeship already past; and the century-long process of accumulating knowledge, of building character, of shaping economic and political institutions, in short, of rearing stone by stone the structure of civilisation, does not require to be repeated. For these reasons, an account of the economic growth of the United States is rather a chronicle of material achievement than a history of economic institutions.

It should be remembered, however, that an intelligent race and natural resources are not in themselves sufficient to bring about with speed a condition of economic stability. To secure this result, the new nation must not only draw its inherited ability from the old stock, but also the successive supplies of capital which it needs for the exploitation of its resources; while the channel of commerce must be kept open if the energy of the country is to follow the lines of its greatest economic advantage. The new country must be able to

discount its future wealth before production takes place. And for this purpose, if it be a country of great extent, it must first grow up to its task of exploitation. For many years the chief economic characteristic of the United States was the possession of an excess of natural resources with an inadequate supply of labour and capital. It resembled a great ship undermanned and poorly equipped. Consequently economic progress, instead of being rapid in the early years, was, viewed from our present knowledge of the possibilities of the country, surprisingly slow. The very immensity of the undertaking required a period of preparation before that strong and complex economic organisation could be developed which was necessary to the successful utilisation of American resources.

The economic conditions prevalent in the first half of the nineteenth century have already been described, and may be very briefly summarised here. At the beginning of that century nine-tenths of the population of the country lived along the narrow strip of territory between the sea-coast and the Alleghanies. As yet the dominant section, politically and socially, was the group of Southern States with Virginia at their head. Here the economic system was patriarchal in form. Slavery was firmly established, and the land was held in large estates. The plantation system had been the natural outcome of the characters of the ruling class and the enslaved negroes, and of the nature of the soil, which was especially adapted to the production of tobacco, indigo, and cotton. Little attempt was made at diversity of agriculture; and, even at this period, the South was largely dependent on other districts for its food supplies as well as its manufactures. Tobacco had been the chief crop in the colonial period, and was just beginning to give way before that extension of cotton culture which was destined to play so great a part in the social and political as well as the economic history of the country. The invention of the cotton-gin by Eli Whitney had occurred a few years before; and this remarkable improvement, coming at a time when the new processes of manufacture were just making themselves felt in England, determined the course of Southern development for sixty years to come, and gave a firm economic foundation to the slave system — a remarkable instance of a beneficent invention of the human mind affording the chief reason for the maintenance of an inhuman institution.

The Northern States were agricultural and commercial. Here the conditions of agriculture were exactly the reverse of those in the South. Small holdings, with considerable diversity of products, were the rule. Food-products were grown, both for the home market and for export. The flourishing condition of West Indian commerce at this time furnished the chief foreign market for American provisions, and also for the products of the New England fisheries. The greatest commercial activity was found in the shipping business, which had been greatly

stimulated by the opportunities of the neutral trade during the period of the European wars. Domestic manufactures were in a fairly flourishing condition, and helped to supply both the home and the Southern market. Little advance, however, had been made in the introduction of mechanical processes, while the factory system was nearly unknown. In the main, all luxuries and many of the necessities which could be easily transported were imported from England. There was little to encourage capital to compete with the powerful industries of England, especially in view of the fact that the opportunities for its employment in agriculture and shipping were in any case more attractive.

In the meantime that movement toward the settlement of the West, which for a century was to be the controlling factor in economic development, but whose effects at this early period were scarcely felt, had already begun. Ever since the Revolution, the migration of the pioneers beyond the mountains had been going on; and by 1800 about one-tenth of the population, roughly 500,000 in number, had moved into the Western territory. Settlers had penetrated the wilderness of western New York and of western Virginia; but the chief stream of migration had gone from Virginia into Kentucky and Tennessee till it had reached the Ohio river and its tributaries. This population, for the time being, consisted of hardy pioneers practically shut off from close commercial connexion because of the great difficulties of conducting trade across the mountains, and the necessity on their own part of devoting all their energies to self-preservation. Nevertheless they increased rapidly year by year.

The course of economic development at this time was but a continuation of the colonial period. There was a considerable degree of widespread comfort, leading to a rapid increase in population, about 35 per cent. to the decade; but there were no important changes in the nature of the economic life or in the relations of its various groups. More people were simply making more things in the same way. Before long, however, a marked change began; and the second war against England may be taken as a convenient line of demarcation between the two periods. The transition may be described as that from the period of homogeneous expansion to the period of organic growth; and the chief factors to which the change was due were the rise of manufactures, the improvements in transport, and the extension of cotton culture into the South-west, on the one hand; and, on the other, the adoption of a national economic policy which included protection to manufactures, government aid to internal improvements, and a land policy which favoured rapid settlement.

The cessation of foreign trade in the years 1808–9, and again in 1812–14, had forced the nation into an industrial development, which not only was more rapid than before, but also involved a change

from the domestic system of industry to the factory system, and the consequent investment of capital on a larger scale. It is not necessary to describe the growth in detail. The single example of the cotton industry, in which the number of spindles in factories increased from 8,000 to 130,000 between 1807 and 1815, will suffice to show that a new period in American industry had begun. The cessation of the war in 1814 brought the new manufactures into direct competition with the older industries of Great Britain ; and the natural result was that some degree of protection was considered necessary to their maintenance. A tariff with some protective features had been adopted in the first year of the Constitution ; but, since there had been few manufactures to protect in the early period, the real beginning of the protective policy of the United States may be said to date from the tariff of 1816. This Act provided for a moderate measure of Protection, which was subsequently increased by the Acts of 1824 and 1828.

This rise of manufactures was accompanied by a growing activity on the part of Eastern merchants in the Western territory, and would have provided an increasingly important market for Western produce but for the grave difficulties of transport. There was practically no route for commerce except the mountain trail, which could not be utilised for the bulky products of the West. At the same time the roads in the sea-coast States were in a desperate condition. Many proposals had been made for turnpike and canal improvements ; and Gallatin's famous report (1807), providing for an elaborate system connecting all sections of the country, was an expression of the popular feeling of the time. It was not till after the war of 1812 that any serious beginnings were made ; but, during the next twenty years, the progress of improvements in internal communications was an important factor both in politics and commerce. The problem of the moment was to secure facilities of transport which should bring the farming sections of the East into connexion with their own rivers, unite the traffic of the Eastern river districts, connect Eastern rivers with those west of the mountains, and develop a system of Western waterways by connecting the Lakes with the Ohio and the Mississippi, while branch canals led to the interior farms. Such enterprises required a far larger capital than was available in the home money markets ; and extensive borrowing from England became necessary. The credit of the home companies, however, was insufficient for such purposes; and the only solution was the issue of State bonds or grants from the Federal government in support of the necessary improvements. Government aid was therefore resorted to in support of nearly every enterprise of the kind ; and the contributions of the State governments were, in view of the resources of the time, enormous.

The demand for such improvements was especially strong in the West ; and the reason of this can be easily understood. Soon after

the close of the war the population west of the mountains had reached a total of 2,000,000. The settled area included, besides Kentucky and Tennessee, a large part of Ohio, southern Indiana, and Illinois. Between these districts and the great Lakes lay a vast region, still unpenetrated save by the Indian trader, while to the South the region between central Georgia and Louisiana was still wilderness; but a great wedge of settlement had been thrown out, which, stretching from Lake Erie to the Tennessee on the east, and following the great valley of the Ohio westward, had split the wilderness in halves. The Mississippi had been crossed, and a settlement already existed at St Louis, near its junction with its great western tributary, the Missouri. At the mouth of the river lay New Orleans. Despite the surrounding stretches of wilderness, the strategic points for the exploitation of the West had now been occupied. And yet the prospect before the Western people was not entirely encouraging. Their chief need was a market for their increasing products; and their only outlet was by export from New Orleans. Notable as this trade was, in view of the conditions of the time, it involved, besides a sea-voyage after the Gulf was reached, a long river-voyage in flat-boats with no possibility of a return cargo upstream. For the time being their natural waterways did not connect them with a home market, while the natural market of the Eastern States behind them was shut off by the mountains. That the problem of transport should seem to them all-important is not surprising.

This problem, however, was not to be adequately solved by the system of internal improvements which now began to be carried out. The great Erie Canal was opened in 1825. It connected the lake region with the Atlantic by way of the Hudson river, and at once opened the Eastern markets to northern Ohio; but the great body of settlers were too far south to make connexion with this route practicable. Before the Ohio river could be successfully connected with the seaboard, the Alleghanies themselves had to be crossed; and no canal enterprise proved equal to the problem. In the meantime, however, new factors entered into the situation, which made the question of the Eastern market less important. The rivers flowed west to the Mississippi; and there was needed only a market at the river's mouth to give the necessary stimulus to Western agriculture. This market now began to appear through the rapid settlement of the South-west.

It seems to-day a strange fact that, though England had imported cotton from the East before Jamestown was founded, yet Virginia had been an English colony for a century and a half and, with the other colonies, had achieved independence, before cotton was exported to the mother-country. The total production of cotton in the United States in 1790 was only 1,500,000 lbs.; but in 1810 this had increased to 85,000,000 lbs. Down to this time the production had been confined

to the Atlantic States; but in the next decade the continued foreign demand led to that great increase in production which was to afford an unique instance in history of a great region entirely dependent on a single crop, and the world dependent on that region for its supply; it also led to that rapid settlement of the South-west which was to increase so greatly the area of slave labour, and the power of the slave-holding class. By 1820 the river valleys of Alabama, Louisiana, and Mississippi were already well settled; and the population of the three States had risen to over 350,000.

This extension of cotton culture was of immense importance to the West, since it built up the much-needed market at the end of river navigation. And that navigation was itself immensely facilitated at the same time by the successful introduction of the steamboat on the Ohio. Only two years after the *Clermont* made her famous voyage from New York to Albany in 1809, a steamboat started on the long voyage from Pittsburgh to New Orleans. It was not, however, till some years later that the steam navigation of the Western rivers became commercially important. Under these new conditions the real development of the West began. The towns along the Ohio and Mississippi flourished as never before. Pittsburgh became the distributing centre for merchandise to the West, and New Orleans the great receiving port for Western corn and provisions, since more than ever the Cotton States devoted their whole energies to the one great staple.

About the same time the land policy of the United States began to adopt the character which it has subsequently maintained, and which has been of great importance to the country's progress. The course of this policy and the growth of the public domain have been described elsewhere in this volume; and it is only necessary here to point out the manner in which the new tendencies co-operated for the stimulation of national development. The early theory regarding the public domain was that it should be used as a vast government property for fiscal purposes. The idea of some European historians, that the policy of Hamilton was adopted under the conscious influence of capitalistic interests, in order to prevent the labourers from acquiring farms and thus keep the price of labour high, is simply a fanciful interpretation of the facts, due to the effort to reduce all history to some arbitrary theory of class struggle. There was doubtless a feeling in some quarters that the development of the country might be retarded by encouraging a continuous decentralisation of the population; but the land policy that was actually carried out was dictated by purely fiscal motives. The change to a more liberal policy was due to the popular demand for land, and showed the growing influence of the West. By 1820 the minimum unit of purchase had been reduced to eighty acres; and the price was in that year reduced to $1·25 per acre. In the following years the pre-emption idea was becoming practically operative; and the

temporary Act of 1830 and the permanent Pre-emption Act of 1841 were merely legal declarations of a right that had been generally granted. Though there was some justification of the fiscal policy at the time of its adoption, a more far-sighted statesmanship would have perceived that ultimately even the financial position of the government would be more strengthened through the permanent settlement of the domain by tax-paying farmers than through its sale to speculative companies.

Such were the natural conditions and the lines of public policy determining the course of national development in the quarter of a century following the war of 1812. Much criticism has been directed against some features of the policy adopted ; but it must be judged as a whole. When we recognise the nature of the problem — the difficulties which obstructed the development of an economic system capable of exploiting the resources of a vast territory, and the fact that the very vastness of the country, combined with insufficient transport, was a temporary source of weakness, as tending to produce an isolated development of separate sections — we must admit that, however futile or extravagant the support of internal improvements may in some cases have been, however unreasonable and one-sided some of the Tariff Acts, the general line of national policy was broadly and wisely conceived.

Despite the growing prosperity, there were nevertheless elements of weakness which made the development of a strong national life still doubtful. The country was now divided into three sections. The New England and Middle States east of the Alleghany Mountains, rapidly developing on industrial and commercial lines, were far removed in character and sympathy from the Cotton States, with their expanding plantation and slave system, and were not yet commercially joined with the new West. Even the extension of canals to the West, although it brought the products of western New York and the shores of Lake Erie to the Hudson, did not overcome the dependence of the great valley of the Ohio on the Southern market by way of the Mississippi and New Orleans. The East sold to the West but did not buy from it ; and, though there was a natural division of labour among the three sections, there was not such a system of mutual exchange as would most closely bind them together. The West, which should naturally have been in the closest interdependence with the East, was being bound more and more closely by commercial interest to the South ; and the continuance of this process would have been inevitable had conditions remained the same while Iowa and the Missouri valley were being colonised. Had the great struggle of the Civil War arisen in such circumstances, the Middle-west might possibly have sided with the South.

The great event which was to change this geographical situation and determine entirely anew the lines of economic development was the introduction of the railroad. It is not necessary to enlarge upon the

commercial revolution brought about everywhere in the world by this invention, following rapidly on the application of steam to ocean navigation. Three distinctively important results for the United States may, however, be noted. In the first place, the very size of the country made railroads far more important here than in the countries of Europe. The resources of the United States are separated by distances so great that anything approximating their full development would have been impossible under the old methods of transport. The great rivers of the West, as already shown, were important arteries of commerce; but there were vast districts separated by enormous distances, and either totally disconnected from these waterways, or connected with them only by streams incapable of conveying more than a very limited trade. Nor could canals be constructed to complete the system of waterways in any adequate degree. Consequently, had any observer in 1830 been able to appreciate the great possibilities of production on the American continent, he must have resigned himself to the conviction that, in the face of the small advance mankind had yet been able to make in respect of transport, these possibilities could never be realised. In the second place, the railroads solved the geographical problem, and profoundly modified the course of economic development. They united the East and West. Neither mountains nor rivers could stop them. If any commodity could be produced in one district and sold in another, these districts could now be connected. Even down to the middle of the century the chief routes of commerce ran north and south: since that time they have run east and west. The economic unity of the country was at last made possible. The third feature of American railroads lies in the fact that to a great extent they have preceded commerce rather than followed it. They have been built not to connect producing districts but to create production. In the Far West the rails have been laid through the wilderness; and the settlers have followed the rails, as formerly they followed the river courses. It is this fact which has made the development of the trans-Mississippi region possible.

The first railroad to be opened was the Baltimore and Ohio, in 1831. As the name implies, the idea of the road was to unite the sea-coast with the Ohio river; but it was not until 1853 that the Ohio was reached. During the first twenty years of railroad development, lines were built rapidly in the Eastern States, both North and South, while after 1840 considerable advance was made in the States west of the mountains. Little, however, was accomplished towards overcoming that barrier between them which had played so important a part in the early history of the country. In 1842 a line was completed between Boston and Albany; and in the same year New York was connected by rail with Buffalo at the lake end of the Erie Canal, the level character of the country, which had made the canal possible, causing also the first through rail connexion here. The people soon perceived the importance

of railroads to their commercial progress; and demands for State aid received an all-too-ready response. Almost every State in the Union made grants for the support of railroad companies, while Pennsylvania and Georgia built some State roads outright. The former State built at an early date the so-called Portage railroad over the Alleghany Mountains, which, connecting with its system of canals and railroads, made a direct communication with the Ohio; but, though it was justly considered a great feat of engineering, the actual portage of canal boats over the mountains never proved commercially practicable. Large as were the sums somewhat recklessly advanced for the development of railroads, they did not reach the amount which had been expended on canals, nor were the financial consequences by any means so disastrous.

The speculation connected with the great investments of capital on internal improvements, combined with the reckless banking and currency inflation of the period, led to the severe panic of 1837, from which industry did not recover for some years. The panic did not however greatly affect railroad expansion; and the railroads became the most important factors in the period of prosperity that followed. The years from 1840 to 1860 were years of rapid growth, with no serious reverses till the panic of 1857. The westward movement continued with increasing rapidity. As we have seen, the period 1800–20 was marked by the settlement of the Ohio valley, while the period 1820–40 saw the settlement of the South-western Cotton States, and the continuous increase in the States tributary to the Ohio, such as Illinois and Indiana. The period from 1840 to 1860 is that of the settlement of the Mississippi valley above the cotton-belt. East of the Mississippi the population of Michigan and Wisconsin increased from 233,000, of whom only 31,000 were in Wisconsin, to over 1,500,000, of whom Wisconsin claimed the larger share. At the same time, Illinois and Indiana increased from less than 1,200,000 to over 3,000,000. The west bank of the Mississippi was settled from north to south. While the movement had only just begun in Minnesota, Iowa increased from 43,000 to 675,000; Missouri from 383,000 to 1,182,000, and Arkansas from 97,000 to 435,000.

The area of improved farm-land increased by fifty per cent. between 1850 and 1860, and the value of farm property by one hundred per cent. An important factor in this rapid growth of the West was the application of new agricultural implements to the production of grain. Improvements of various kinds were made during these years; but the revolutionary change was the introduction throughout the new territory of the reapers invented by McCormick and Hussey in the early thirties. The "complete harvester" of to-day represents a great advance on these earlier machines; but all the main inventions were made before 1860, and the reaper had come into general use. It is hardly too much to say that this application of machinery to harvesting was as important in the development of Western agriculture as the extent and fertility of

the soil itself. There was now practically no limit to production from lack of ability to harvest the crop; and production increased enormously. The increase of an industrial population in the Eastern States afforded an expanding market for these products, while at the same time the markets of the Old World were thrown open owing to frequent failures of European crops, and to the repeal of the English Corn Laws. Down to 1845, exports of wheat or provisions to Great Britain on any considerable scale had been only sporadic. The beginning of a steady market appeared at this period, but only the beginning, for Europe was not yet dependent on the United States for its regular supplies; and even down to the Civil War the exports were important only in years of unusual scarcity abroad. The exports of cotton still formed the bulk of the foreign trade; and, exclusive of cotton and tobacco, Europe in normal years took a smaller quantity of American products than the non-European countries.

The increased demand for cotton had given a great stimulus to the extension of the cotton-belt, which by 1860 had spread so far west that Texas already had a population of 600,000. The production of cotton had increased from 800,000,000 lbs. in the early forties to 2,200,000,000 in 1860; and seventy-five per cent. of the crop still continued to be exported. In the meantime, while that expansion of the Slave States was progressing which bade fair to split the country in halves when the final rupture came, a movement in the Far West had begun which was to be of great moment in binding the West and the East together. The discovery of gold in California in 1849 had led to a rush of settlers amounting to over 350,000 in a single decade. The search for gold could not be restrained by the mountain barriers that seemed to set a limit to further expansion for agricultural purposes. And yet the soil of the California valley was even more valuable than her mines. By 1860 the Mississippi had become an interior river, and the Missouri formed a frontier line that in other circumstances might have seemed permanent; but, a great State once formed on the Pacific slope, the wilderness and the mountains could no longer keep the two oceans apart.

Among the many striking features of the Civil War there is none more extraordinary than the fact that throughout the whole struggle the Northern States continued to increase in population and industrial power. Despite the fact that out of a population of about 22,000,000 the total of enlistments and re-enlistments was over 2,500,000, and that at the close of the war 1,000,000 men were enrolled in the Union armies, the population increased by at least 3,000,000 between 1860 and 1865, while over 4,500,000 acres of the public domain were taken up by settlers. Despite the fact that the grain States sent hundreds of thousands of men to the front, the annual production of cereals increased. For example, Indiana, which had produced about 15,000,000

bushels of wheat in 1859, produced 20,000,000 in 1863, although 124,000 of her sons (one-tenth of the total population of 1860) were in the Union ranks. Despite the great demand for food-products to supply the army, the exports of wheat and provisions increased even more than their production. The average export of wheat for 1863 and 1864 was 33,000,000 bushels compared with a maximum export of 27,000,000 in any year before the war. The demands for products were such, that despite the burdens of taxation and the disorganisation of the finances, many new industries were established on a firm basis. Notwithstanding the fact that prices were high and domestic consumption greatly curtailed, the period was not one of real suffering in the North.

The quickness with which industry recovered after the war is equally remarkable. Few now recall what grave dangers lurked in the problem of disbanding 1,000,000 soldiers, and turning them at once into paths of peaceful industry; and yet the enthusiasm with which the country took up arms for the defence of union is not more inspiring than the dignity with which she laid down her arms, and sent "all her handmaid armies back to spin." That such a sudden addition to the ranks of labour could be made at the very time when the government stopped its own extraordinary purchases, without a serious disorganisation of business, seems indeed surprising ; and yet the exhaustion of supplies was such that even a lack of capital and a crippled purchasing power were not serious obstacles to profitable employment. The large disbursements by the government in the way of arrears added a temporary spur to the demand, while what had been the weakness of the South — its dependence on a single crop — now proved its chief strength in the moment of need. Stricken to a point of desperate poverty by the war, its salvation lay in the fact that at once an eager market was clamouring for its cotton. In the twelve months following the close of the war the exports of cotton, though less than half the quantity of the years immediately preceding the war, reached the unprecedented money value of over $200,000,000. High prices continued for seven or eight years, and counterbalanced the lower production, which did not reach the *ante bellum* level till 1871. The South had money to buy the goods it so sorely needed, and the North had a ready market for its surplus.

These conditions were sufficient to tide over the few years of economic readjustment which ushered in the new era. For the Civil War marks a turning-point in the economic life of the country as in its political life. The question of national unity was settled once for all as a political theory, and it was to be settled even more effectively by a national economic development on a vaster scale than had yet been conceived. The removal of all barriers to inter-State commerce through the rapid extension of the railroad system, culminating in the great transcontinental lines ; the opening up of the grain States west of the Mississippi to the limits of the arable land ; the utilisation of the

grazing facilities, and the exploitation of the mineral resources, of the Rocky Mountains and the arid plains ; the transformation of the Pacific slope from a series of mining camps to an important source of agricultural and forest supplies; the expansion of Eastern industry in response to the discovery of the new resources, to a continuous series of inventions, and to the increasing market ; the recovery of prosperity in the South, and the adoption of a more diversified industry under a system of free labour — these were the causes which operated during the thirty years after the Civil War to bind all sections of the country together with the bonds of mutual commercial interest.

On the other hand, the new era was to be marked by the appearance of problems from which hitherto the young democracy had been comparatively free, and the freedom from which had formed a favourite theme for patriotic oratory. The same material causes which were to obliterate the lines of geographical cleavage contained the elements which were to increase the cleavage of social classes. The growth of industry meant the establishment of a wage-earning class, whose members were to lose more and more the possibility of escape from a dependent position through the freedom of the soil, which had been the strength of the earlier artisan. The aggregation of capital necessary to the new methods of exploiting the national resources necessitated the concentration of power in fewer hands. The time had come when the unorganised activities of an industrious people had found their limit ; and the capacity to forecast the future had become more important than the mere industry of the present. No matter how important the energy and intelligence of the masses, no matter how rapidly their own comforts increased, they seemed to themselves to have lost the independent initiative of their fathers, as the organised march of progress was more and more directed by the great captains of industry. These feelings, however, were not of a kind to lessen the intenser feelings of nationality which accompanied the change to the larger scale of economic life. The country bulked bigger to all sections and classes ; enterprises hitherto considered magnificent now became ordinary ; and the confidence in the future, which encouraged the spirit of daring speculative enterprise, was at the same time the common possession and the common pride of a whole people.

The change of scale in popular conceptions was quickly seen in the financial transactions of the government. The strict economy and cautious tariff policy of the *ante bellum* period were no longer to be enforced by a public sensitive, through inherited prejudice, to every increase of taxation. Accustomed to the vast system of excise and customs taxes of the war period, the people were not likely to prove too exacting provided that the most burdensome internal taxes were quickly removed, while there was easy tolerance of a scale of public expenditure which offered every inducement to the looting of the public treasury, and the consequent demoralisation of politics. In some measure this spirit

accounts for the continuance of the excessive features of the war tariff in time of peace. There was, to be sure, a reaction from the low tariff policy even before the war, and many of the rates of the war tariff were avowedly protective; but no such customs system could have been built up except under the pressing necessity of enormous revenue; and, on the easy assumption that high duties meant high revenue, the most extreme demands of the manufacturers were readily granted. It is equally true that there was a strong feeling for Protection at the close of the war; but it would be absurd to say that the extreme emergency measures adopted in a great conflict represented the deliberate commercial policy of any party for the time of peace. It was fully expected that the rates would be rapidly reduced as soon as the proper adjustment could be made; but the manufacturers had tasted the fruits of monopoly; and with each year's delay the problem became more difficult. Without entering into an account of the different Acts, and the occasional attempts at tariff reform, it may be said in general that the duties repealed or lowered were revenue duties, and that, wherever the pressure of competition was still felt, the duties were maintained and even raised. At no time since the war has the average rate on dutiable goods been less than 40 or more than 50 per cent. In the case of many of the most important articles, however, the duties have been much higher.

For many years the idea still prevailed, even among Republican leaders, that the need of Protection would pass with the full establishment of home manufactures; but by 1890 the doctrine that Protection was a permanent necessity had made its appearance. The infant-industry argument could hardly be advanced in support of protecting industries which had been long established; and the argument as to the social advantages of a diversified industry, which Hamilton had expressed so sanely and persuasively, and which formed the basis of a whole social philosophy in the hands of Carey, was not applicable to a nation which had already become one of the greatest industrial powers of the world. This argument, to be sure, was extended to the point of insisting that nothing should be purchased abroad that could be made at home; but the chief argument of the later period has been the necessity of permanently maintaining tariffs sufficient to balance the higher wages paid by American employers. A strong appeal was thus made to the wage-earning class, who were convinced that a reduction of duties would be followed by a reduction of wages. This argument was equally applicable to all lines of industry, and was carried out logically in the tariff. Duties were put on farm and dairy products to protect the residents on the Canadian border; and those on raw materials gave a convenient pretext for giving additional protection to manufactures by excessive "compensating duties."

It would be an error to attribute even the extreme features of the American tariff entirely to the sinister influence of private interests on

legislation. In the first place many industries, partially if not wholly dependent on the tariff, had been established before the occasion for re-adjustment came; and, these being once established, even the most conscientious members of the dominant party shrank from the responsibility of causing their downfall. Furthermore, the fact of rapid industrial expansion was patent to both the people and their legislators; and, convinced as they were of the soundness of the principle of Protection, it seemed wiser to leave well alone, than to run the risk of experimental changes. That the tariff was an influential factor in this development is beyond question. In some cases entirely new industries were established under its shelter, for example, the manufacture of silk, and the tin-plate industry, the most recent illustration of a new industry created outright by conscious effort. The initial costs necessary to the production of iron and steel on a large scale would have delayed the wonderful development in these lines, had it not been for the protected prices of the early period. On the other side, however, must be placed the increased costs to other manufactures, and the diminished purchasing power of the farmer. These are problems which need not be discussed here; but it may be asserted with confidence that the power of the tariff, whether for good or evil, has been vastly overrated. It has not been that oppressive burden on the public that some critics maintain; for many of its rates have been nominal and the home market has, ultimately and in the main, been adequately supplied with the home product. On the other hand, the main causes of industrial growth lie deeper than the regulations of commercial policy. These causes may now be briefly considered.

The primary causes of industrial growth in the United States are to be found in the character of the people and the natural advantages of the country. It is not necessary to enlarge upon those general qualities of nervous energy, alert intelligence, directness in method, independent initiative, and daring enterprise, combined with an eager absorption in the pursuit of material success, which, partly inherited but largely acquired during a century's command of unlimited resources, have marked the people of the United States perhaps above all others. A special characteristic, however, of the American, which has had an important influence on the industrial advance of the country, is his ingenuity in invention, combined with a peculiar aptitude in the use of machinery. He possesses neither the laborious patience of the hand-labourer nor the aesthetic sense of the true artisan; but his practical sense finds full scope in the production of large quantities of uniform commodities by quick machine methods. A further characteristic of the aptness of the race in these respects is the promptness with which the inventions of others have been adopted and brought to greater perfection. The history of many typical American industries is the history of inventions first made by Europeans, which remained without

economic result till perfected and made financially successful in the United States. The practical sense of the American has been quick to turn ideas into dollars. Sewing machines and typewriters, for example, though first experimented with abroad, are practically the products of American ingenuity. Further, Americans have shown a peculiar capacity, not only for improving old processes, but also for inventing new instruments with purposes never before known, and for applying machine methods to industries into which they had not previously entered, as, for example, in the manufacture of watches, shoes, and silk-goods, in which hand-labour has been entirely displaced. To enumerate the inventions in the greater industries is impossible. In the manufacture of iron and steel, railroad supplies, electrical machinery, and the like, they have been countless, although frequently following an example first set by foreign investigators. In the manufacture of hardware and tools, frequently of a complicated nature, the Americans have easily led all other peoples. It is here, perhaps, that American ingenuity has found its most fertile field.

No small share of the credit for this constant succession of inventions belongs to the system of patent right, which, despite occasional abuses in the undue maintenance of monopolies, has been a powerful incentive to constant improvement. The patent law is based on the Act of 1836, its chief characteristics being a careful investigation of the claim to novelty and priority, and the grant of monopoly right for a considerable period, at present seventeen years. Whether we maintain that a patent should protect the discoverer of the invention or the capitalist who risks his money in putting the invention on the market, the system has been justified by its results.

Endowed with such qualities for industrial success, the people were rapidly increasing through natural causes while receiving enormous additions to their labour force through immigration. The influence of immigration on the economic conditions of the country has been a subject of much discussion; but that it has materially hastened industrial expansion can scarcely be disputed. The first great wave of immigration came in the nine years following 1845, and was largely Irish and German, due to the conditions of distress in those countries. This movement continued, but at a reduced rate, down to the Civil War. As soon as hostilities closed, immigrants again came in large numbers down to the depression following 1873, when the numbers again decreased, only to rise again in a still greater wave in the years from 1880 to 1884. In 1882 the enormous total of 789,000 was reached. Down to this time nearly 90 per cent. of European immigrants were from the good stock of western Europe. They were chiefly unskilled labourers, but vigorous, quick to learn, and easily assimilated; and a large percentage were in the ages of greatest productivity. The quick rise of the capitalistic system of production is not easy where a vigorous and independent

population have the opportunity of taking up free land of great fertility; but this influx of labour made possible an extension of industry on a great scale, at the periods of particular speculative activity, which might otherwise have been checked. The vast extension of railroads and the accompanying growth of coal and iron mining required large quantities of both skilled and unskilled labour; and, in the main, during the early period the filling-up of the lower branches with foreign labour still left ample opportunity in the higher branches for the native population. The almost automatic machine processes made the employment of immigrants in factories possible; and in the manufacture of textiles, for instance, it was not long before the immigrants employed numbered one-half of the total.

Nor were these the only economic effects of immigration during this period. The settlement of the West was hastened by the influx of immigrants, but in a less degree than has sometimes been supposed. The colonising movement has been carried out primarily by native stock. Even of the German immigrants hardly more than 25 per cent. have become agricultural settlers or farm-labourers, and of the Irish not more than 12 per cent. The Scandinavians, constituting a smaller absolute number, are relatively more inclined to agriculture, nearly 40 per cent. of that race choosing that occupation. This, however, is less than the percentage of the native population. Special sections of the country, however, have been largely colonised by special nationalities, notably such States as Wisconsin by the Germans, and Minnesota by the Germans and Swedes. In the main, however, the tendency of the foreign population has been towards city life, and mechanical and mining occupations, or personal service, hand-trades, and shopkeeping. An important reason for this is the necessity on the part of the newcomer to seek paid employment at once; and it should be noted that this tendency, while hastening the expansion of industry, has also hastened the establishment of a more permanent and dependent wage-earning class than had formerly existed. It would, however, be a one-sided picture which showed only the effect of relatively unskilled labour on the growth of manufactures. Although the proportion of skilled labourers to other immigrants has been small, their actual numbers have been considerable, especially from Great Britain; and their skill has been an important factor in many industries, notably in iron and steel manufactures and in shipbuilding. Furthermore, the contribution of individuals of high talent has been immeasurable; and Americans, attributing too much to the native character, are frequently inclined to forget that many of the most striking cases of success in the industrial and commercial world have been those of poor immigrants who have distanced the dominant nationality in the race for wealth.

The effect of this movement on the growth of population presents yet another problem. The population of 1870 was 38,558,371,

showing an increase of 7,000,000, or 22·6 per cent., during the decade of the war. Of this population nearly 5,000,000 were negroes, about 5,500,000 foreign-born, and about 5,000,000 native-born of foreign parents. The latter two classes together formed over 28 per cent. of the population. By 1880 the total population had increased to over 50,155,183 (or 30 per cent.), among whom the foreign-born and native-born of foreign parents numbered nearly 15,000,000, or 29·8 per cent. The percentage of foreign-born, however, diminished, the total number increasing to 6,679,543, being now less than the descendants of foreign-born in the first generation. The decade from 1880 to 1890 brought a relative increase in the population of both classes. Out of a total population of over 62,000,000 (an increase of 24·9 per cent.) the number of foreign-born was 9,250,000, and of foreign-born *plus* native-born of foreign parents over 20,000,000, being 14·8 per cent. and 33 per cent. respectively of the total population. In other words, while the total population increased about 25 per cent., the foreign element increased about 38 per cent., whether the foreign-born alone, or all those born of foreign parents, are considered. Immigration fell off again in the nineties; and the proportion of foreign-born fell by 1900 to 13·7 per cent. of the total population (actual numbers 10,460,085), while the percentage of all those of foreign parentage increased to 34·3 per cent. of the total, in actual numbers about 26,000,000. This shows an increase over the numbers of 1890 of about 30 per cent. compared with an increase of 20·7 per cent. for the whole population.

Despite these figures, however, it may be doubted whether, in the long run, immigration into the United States has added so largely to the population as is commonly believed. Speculations of this nature are not very fruitful; but it is certain that if the rate of increase between 1790 and 1840 had been continued to the present time, without any immigration whatsoever, the present population would be far greater than it is. The causes which lessen the rate of increase are the economic limits of production; and, in view of these facts, it was the opinion of the most eminent of American statisticians, General Francis Walker, that immigration in the long run had not reinforced the population, but had merely "replaced native by foreign stock." This theory, however, even if accepted in modified form, would not alter the fact that the great waves of immigration in the periods 1867–72 and 1880–4 were of material assistance in supplying the immediate demand for labour at the beginning of two periods of great industrial activity.

The second great factor in the industrial growth of the country has been its unparalleled command of natural resources. The area of the United States at the close of the Civil War was the same as its present area, exclusive of Alaska and the island possessions, namely, 3,025,600 square miles. A mere glance at the map shows the wonderful geographical advantages which this country enjoys. Stretching across a continent, it

commands access, as no other country does, to the two great oceans. Its eastern coast-line, indented with splendid harbours, stretches south till it meets the great southern gulf, which itself extends beyond the mouth of the Mississippi to the cotton-fields of Texas. To the north, the great Lakes, connected with the Atlantic seaboard by the St Lawrence and the Erie Canal, reach the wheat-fields and iron supplies of the West, and afford direct water-communication to the seaboard for cities more than a thousand miles inland in the centre of a great productive area. A third of the way across the continent and in the very middle of its most fertile region, the great Mississippi flows from the Canadian border to the Gulf. Into this river flow its vast tributaries, the Ohio, with the Tennessee and Cumberland rivers, from the east, the Missouri and Arkansas and Red rivers from the west, forming a single valley, which extends for 1800 miles at its widest part and includes over 1,000,000 square miles, within which lies more than half the arable land of the country. More than half the States drain into this one river. From the Alleghanies on the east a large number of rivers flow to the Atlantic and the Gulf. All told, it is estimated that there are 18,000 miles of navigable rivers in the whole United States.

Within the area thus situated is to be found a greater variety of climate, soil, and mineral resources than in any equal area of the world. The arid plains which lie west of the 100th meridian are separated from the Atlantic by three great belts of arable land, broken only by the Alleghany Mountains, producing a vast variety of products, and roughly distinguished by their chief crops, the spring wheat-belt in the north, the central belt of winter wheat and Indian corn, and the southern cotton-belt. West of this fertile territory lie the plains which, though called the Great Desert, are the seat of vast cattle and sheep ranches; and beyond the great basin formed by the Rockies and the Sierras lie the Pacific States with their lumber and wheat and fruits. The mountain States are rich in valuable ores, gold, silver, and copper; while coal and iron, minerals even more important for industry, are widely distributed within the great belts of arable territory already described, throughout the Alleghany region, and even farther east. The supply of anthracite coal comes exclusively from a small area in north-eastern Pennsylvania; and most of the bituminous coal still comes from the great Alleghany deposit which stretches from western Pennsylvania to Alabama; but there are coal-beds of vast extent in Illinois and Indiana, in the prairie States beyond the Mississippi, and in the Pacific States of the North-west. Iron ore is also widely distributed, the chief deposits being found in the Alleghany region and on the southern shore of Lake Superior. The full extent of the mineral resources of the country is even yet not known. To the men who began to develop them at the beginning of the new era they may well have seemed inexhaustible, as ever new discoveries were made, not only of new deposits of known

materials, but of such unexpected resources as the supplies of natural oil and gas.

Within this area there existed no artificial barriers to the growth of commerce. Free trade between the States had been established by the Constitution; and the extension of a territorial division of labour was possible on a larger scale than had ever before been known. The next step was to overcome the natural barriers of mountain and wilderness. At the end of the war the railroad mileage of the country was 35,000 miles; and an area of great expansion at once began. It had become apparent early in the war that a transcontinental line, uniting California with the East, had become a necessity; and an Act incorporating the Union Pacific Company was passed in 1862. The tremendous difficulties of constructing a line across the desert and the Rockies called for government aid; and it was given in generous measure — a bond subsidy of $27,000,000 in all and 12,000,000 acres of land. The Central Pacific received over $27,000,000 and 11,000,000 acres. The bonds were secured by a first mortgage on the road, changed later to a second lien to enable the road to raise further loans. Finally, in 1869, the last spike was driven, the two roads were united at Ogden, and the first line to join the Atlantic and Pacific was complete. In the meantime rapid building continued in all sections of the country, especially in the Middle Atlantic States, and in the Middle West. The progress, or its effects on particular sections, cannot be traced in detail. By 1870 the mileage had increased to 52,000 miles, by 1880 to 93,000, and by 1890 to 166,000. This continuous expansion of transport facilities brought new areas into cultivation, opened up new supplies of raw materials, and built up a market in the West for the products of the East.

This rapid growth was attended, however, with considerable evils. In the first place, there occurred serious instances of corruption. Though the charges of political bribery in the matter of the aid given to the transcontinental lines were not substantiated, there is no doubt that fortunes were made by the manipulation of construction companies for the benefit of railroad directors rather than stockholders. In the next place, the rate of building was not only rapid, but excessive. An area of speculation began which led to the construction of parallel lines, fierce competition, destructive rate wars, and bankruptcy. The new enterprises were on so gigantic a scale, and the demoralisation due to excessive competition was so destructive of values, that the openings for stock speculation were greatly increased; and, as vultures flock unerringly to carrion, a new group of financiers appeared who made fortunes by wrecking enterprises instead of by making them prosper. The scandals of that period will always remain a blot on the commercial history of the country, and they sowed evil seed in the mind of the public, who were frequently unable to distinguish between the beneficial

labours of the great *entrepreneurs* whom the situation brought forth, and the machinations of the audacious plunderers who were mixed up with them in the market.

Furthermore, it was through the railroads that the people were for the first time brought face to face with the problem of the new capitalism and the power of monopoly. When a railroad entered a new region, it seemed by some magic "sesame" to create wealth in its course; but the very fact that that wealth was the creation of the road involved a serious danger. For the first time the people of a large area found their welfare dependent on the action of a single corporation. Wherever competition appeared, discrimination followed; and in the scramble for business the stronger shippers were favoured at the expense of the weaker. Where there was no competition, the public felt that they were being oppressed by a monopoly, to make up for sacrifice rates elsewhere — a feeling which was intensified by the absentee ownership of the Western roads. The "Granger movement" against the railroads, which in some of the Western States was the result of these conditions, was unreasoning in its prejudice, misguided in its efforts at legislative reform, and injurious in its immediate results; but it was the natural protest of a democratic community against the domination of corporate capital. The actual offences of the roads were less important than they were made out to be at the time; but the masterful men who controlled them, conscious of the great development they were advancing, and eager for their rewards, were little tolerant of public feeling. To them the interference with their property seemed an insolent invasion of private rights. Although the lesson has often been disregarded, it was nevertheless made clear that, if it comes to a struggle between capital and the people, the people can dominate when they will.

With such a combination of advantages as has now been briefly described, the progress of industry was inevitably rapid. Some figures for the recent development in special industries will be given in the next section, and it will suffice for the present to point out that almost every industry that had been in existence at the time of the war continued to grow, while a large number of entirely new industries sprang into prominence as the result of new discoveries and inventions. While the population was, roughly speaking, doubled between 1860 and 1890, the capital invested in manufactures increased six-fold, from $1,000,000,000 to over $6,000,000,000, the value of the products above five-fold, the number of persons employed three-fold, and their wages nearly five-fold.

Such a growth of the factory system as this could not fail to introduce all the problems of organised labour. Trade unions and strikes had been known at an early date; and the literature of the fifty years before the war shows that our conceptions of the idyllic conditions of the labourer of that period as a democratic artisan are somewhat exaggerated.

Still it is true that the system of production on a large scale was not widely prevalent till after the war; and in the later period the problem of labour assumed a new phase. The first warning the country had of the new power was the series of railroad strikes in 1877, which were accompanied by serious outbreaks of disorder, necessitating a resort to Federal troops. Then followed the appearance of the "Knights of Labour," and the first exhibition of their power in the serious strike on the Missouri Pacific line in 1886. By this time the movement towards labour organisation was rapidly progressing; and strikes became frequent. Occasionally there occurred great conflicts such as those already mentioned, followed by the Homestead and Chicago strikes (1892 and 1894), when the public again stood aghast before the spectre of an industrial war which amounted to armed insurrection. Such excesses were perhaps inseparable from the rise of a powerful new organisation in economic life, carried away by its first consciousness of strength; but the educated public, which was still marvelling at the material triumphs of the capitalistic system, was little prepared for the sudden problem which followed logically in its train. Gradually better leaders have arisen; and the harder lessons have been at least partially learned by the unions. If they have been slow in appreciating the necessary limits within which alone they can hope for success, the employing class on the other hand has been equally slow in recognising the utter futility of the attempt to crush the new organisation; and the public have as much to forgive on the one side as on the other. The problem is the same in America as in every industrial nation to-day. Combination has arisen to meet combination; and only as the rights of each are recognised will the bitterness of the conflict cease. There are special reasons why this is to be hoped for in the United States, before a sense of social cleavage becomes more acute. For though the masses are easily roused by a sense of injustice and incited by that spirit of independence, which has been their chief pride, to resist promptly even at the expense of law and order, class divisions are not yet permanently fixed, and the consciousness of class is still subordinate to the sense of national unity.

Little space has been left for the consideration of the agricultural development of the country during this period, although that development has been the true basis of its prosperity. Even all the advantages for industrial growth which have been enumerated would have been insufficient for the establishment of a great system of manufactures, had not the home market been constantly expanding. The period from 1860 to 1890 is indeed as notable for the way in which the United States became the chief source of supply for food-products and raw material to Europe as for the extent to which the country achieved its independence of European industry.

Between 1860 and 1870 the population of the grain States (the "North Central" division) increased by more than 42 per cent., and in the next

decade by nearly 34 per cent. — a total addition in twenty years of over 8,000,000 inhabitants. Even in the older States of Illinois, Iowa, and Missouri the growth was more rapid than the general rate of increase, while in the newer States of the North, the population of Michigan more than doubled, and that of Minnesota increased more than four-fold. Over 130,000 settlers took up farms in the unknown Dakotas, while, farther south, the population of Kansas increased more than nine-fold, and that of Nebraska rose from 28,841 in 1860 to 452,402 in 1880. At the same time the Gulf States were rapidly growing with the constant extension of cotton culture. The greatest proportional advances were made in the "Western division," where the new mines were opened up by the transcontinental lines. This division, which includes roughly the States west of the Kansas boundary, was, with the exception of California and Oregon, practically unsettled in 1860. Exclusive of these two States, a population of less than 200,000 was scattered over a territory covering one-third of the whole area of the country. By 1880 half a million settlers had come into these States, while the population of California had increased by almost as many more. During the next decade this movement continued, till in 1890 California had 1,200,000 inhabitants and the rest of the Western division nearly 2,000,000. Flourishing cities had grown up; and the extension of mining and cattle-raising had now gone so far that the census of 1890 announced that there was no longer a line of frontier. In the same decade the increase in the new grain States continued as before. The population of Minnesota, the Dakotas, Nebraska, and Kansas increased by nearly 2,000,000, or over 80 per cent.

This growth of population in the grain States was made possible by the extension of the railroad system, which opened new areas for cultivation and, combined with improvements in ocean navigation, brought the prairie farms into direct connexion with the factories of Europe. The westward movement was also stimulated by the further extension of the land policy of the government as expressed in the Homestead Act of 1862, which permitted the acquisition of title to lands actually settled, by the payment of a nominal fee — the last step in the policy of free homes. In the meantime great improvements were made in the methods of production and in handling the crops. Agricultural machinery, which had begun to work its transformation before the war, was applied on a still larger scale; a great extension of terminal and railroad elevators facilitated storage; and a system of grading and classification was established under the influence of the speculative market, which made it possible to handle grain in the most economical manner. This was especially important in view of the great distances in transport and the many reshipments necessary. Grain could now be handled in bulk without regard to small specific lots; and, in the case of wheat, owing to its fluid quality, the application of machinery in its handling has

made the methods of the American grain trade unique in the world of commerce. From the moment when the grain is brought by the farmer to his local elevator to the moment when it reaches the docks of Liverpool, the only hand labour necessary to its movement is the pulling of the right lever to set the machinery going. The new process of handling and marketing the wheat was hardly less important than the new methods of harvesting.

Under these conditions the production of cereals and the accompanying production of provisions increased enormously. The wheat crop, which in 1870 had amounted to 235,000,000 bushels, averaged 310,000,000 from 1870 to 1879, and 450,000,000 from 1880 to 1889. Since then it has twice exceeded 600,000,000, and once 700,000,000. In the case of Indian corn, the average for the decade ending 1889 was 500,000,000 bushels greater than for the previous decade, and in recent years has averaged 2,000,000,000. The value of the products of the slaughtering and meat-packing industries increased from $75,000,000 in 1870 to $303,000,000 in 1880, and $561,000,000 in 1890. Meanwhile the amount of wool, produced primarily in the Western States, increased from an annual average of 177,000,000 lbs. in the seventies to about 275,000,000 between 1880 and 1889. Exports increased in even greater proportion than production. The average annual export of wheat (including flour) from 1867 to 1872 was 35,500,000 bushels; from 1873 to 1878 it was 73,400,000, and from 1879 to 1883 it was 157,600,000. The proportion of the total crop exported in these three periods was 16·53, 24·59, and 34·91 per cent. respectively. Such a phenomenal increase could manifestly not be long continued, and the average for the next ten years showed some falling-off. From 1884 to 1888 it was 122,400,000, and for the next five years 144,400,000 bushels. During the last decade it has again increased to a higher figure than ever. The export of Indian corn has never been so important in relation to production as that of wheat. It is primarily a feed-crop for the home market; and in fact 80 per cent. of the total crop, which in bushels is three or four times that of wheat, is consumed in the county where it is grown. Nevertheless a foreign demand has been stimulated; and the average annual exports increased from 14,200,000 bushels in 1867–72 to 73,400,000 in 1879–83. After a period of comparative uniformity the exports have begun to increase enormously in recent years, having risen, in one year, to over 200,000,000 bushels. The increase in the production of Indian corn made the growing export of provisions possible, while the improvements in refrigeration enabled the packing houses to ship immense quantities of fresh beef. The export in this line alone increased from 20,000,000 lbs. in the early seventies to 200,000,000 lbs. by 1890. The value of bacon and hams exported increased from $6,000,000 to $60,000,000 in the same period, and that of lard from $6,000,000 to $42,000,000.

The thirty years after the war also witnessed a great economic revolution in the Southern States. The abolition of slavery destroyed once for all the large-plantation system which had been the foundation of a patriarchal society; and the financial ruin of the large planters made its partial re-establishment under a wage system impossible. During the stormy days of reconstruction the growth of a new economic system was retarded; but the subsequent years saw an adaptation of Southern agriculture to the new conditions of free labour on lines which are likely to be permanent. While the large planters and their descendants were left helpless before the new problem, the small planters, the "poor whites," rose rapidly in importance, took over the land relinquished to them, and began the process of regeneration. The black population was for the time being not improved by emancipation; and its incompetence has been a serious check on the growth of the South. Strenuous efforts are being made to educate them on lines of industrial efficiency; and the better blacks are gradually learning that economic independence is their real need. It must be admitted, however, that the amount of skilled labour among the blacks at the present time is less than before their emancipation. The same difficulties have proved how chimerical were the early hopes that a body of independent farmers would grow up among the freedmen. Despite notable exceptions, they have not shown sufficient economic strength for the *rôle* of landowners. At first they were employed as wage-earners, but very soon the lack of capital on the part of the planters and of industry on the part of the black labourers led to the substitution of the system of share-tenancy, which is now the most prevalent method of tenure among the agricultural blacks. To these difficulties should be added the pressure of indebtedness due to deficient capital and falling prices, which has kept even the white planters from establishing that independent position which on the whole characterises the farmers of the North. Still the substitution of the small-farm system for the large plantations opens up to Southern agriculture the prospect of gradually attaining independent conditions.

Despite all these drawbacks the cultivation of cotton has grown enormously, enabling the Southern States to advance rapidly in population and wealth. The production of cotton increased from less than 2,000,000,000 lbs. in the early seventies to more than 4,000,000,000 in the early nineties, keeping pace with the world's demand, of which it supplies 80 per cent. Exports increased from about 1,000,000,000 lbs. to over 3,000,000,000 lbs. Furthermore, the Southern States have at last begun to utilise their other resources. Coal-mines and iron-works are being opened, while the growth of cotton manufacture in the old Slave States has been more rapid than in any other part of the country.

The last few years have witnessed in the United States an expansion of industry and a growth of material prosperity which have not been

equalled in any period of equal length in its history; and this has been accompanied by notable changes which demand special consideration. The long period of depression which followed the panic of 1893 came to an end in 1897. The enforced economy of that period had reduced production till the surplus stocks were exhausted. The country had grown up to its surplus silver currency, which had resulted from the dangerous experiments of 1878 and 1890; and, more important still, the election of 1896 had settled once for all the question of sound currency and ensured the legal maintenance of the gold standard. The prices of agricultural products began to rise in the autumn of 1896; and good crops, with a growing foreign demand, initiated that agricultural prosperity which has been the basis of the whole movement. Before considering the more striking developments in industrial production and organisation and in foreign commerce, a word may be said of the condition of the West.

A glance at the census map of 1900, showing the various centres of the country's economic activity, gives a vivid impression of the dominant position of the Mississippi valley. The centre of population has moved west during the last decade at a slower rate than in preceding years, and now lies near the southern boundary of Indiana at longitude about 85°49′. The centre of manufactures had crossed the Ohio before 1890, and now lies fifty-nine miles south-west of Cleveland, Ohio. The centre of agricultural production lies along the Mississippi. The centre of the "six cereals" is exactly on the river about half-way between Hannibal and Burlington; and the three points representing the centres of improved acreage, farm income, and corn-production fall almost together just above the junction of the Illinois and Mississippi. The centre of total farm-area has moved west to the ninety-third meridian; and the centre of wheat-production north-west across the Mississippi to a point seventy miles west of Des Moines, Iowa. This is the most noticeable change of all, and marks the increasing pre-eminence of the North-western wheat-fields. The population of North Dakota and Minnesota made large advances in the last decade, while the more southern States of Kansas and Nebraska did not increase at all, owing to the reaction from the abnormal settlement of the previous decades which had been followed by the agricultural depression. For the first time, the "North Central" division, including the chief wheat States, showed, as a whole, a smaller proportional increase in population than the North Atlantic division. On the other hand, a notable increase took place in the South Central division, especially in Arkansas and Texas, and above all in Oklahoma, to which district a wild rush took place on the opening of the new lands. The largest proportional increase has been in the Western division, including the three Pacific States and the growing districts of Montana and Colorado.

It will be seen, then, that the westward movement continues,

although at a diminished rate ; and the movement is continuing in the same way as formerly, that is, by steady pressure pushing the whole moving population. The same men who settled the earlier frontiers still advance, selling their farms at a profit to those who come behind. The pioneer element is constantly drawn forward, and the less adventurous enter into their heritage. This also explains the nature of the emigration across the border into north-western Canada, which has called forth gloomy comment. The virgin soils of the Canadian wheat-belt afford greater opportunities; and the same class of men who left Iowa for Minnesota or Dakota now move on to the north once more; but their places are continually filled. It is but a normal continuation of the general migratory movement.

The number of farms has increased more rapidly than the population, and the total acreage of improved land somewhat less. On the other hand, the total farm-area has increased more rapidly than in any decade since 1860 — a fact, however, less significant than it might appear, since there has been an addition to the nominal farm-area of 130,000,000 acres of unimproved land in the South Central and Western divisions. In this connexion reference may be made to the problem of farm tenure. The public was surprised to hear, after the census of 1890, that the ratio of farms worked by owners to farms worked by tenants was decreasing. The independent farmer had been so long lauded as the main prop of a democratic society that the revelation was startling. An even more marked change in the same direction has taken place in the last decade, the number of owning operators having fallen from 71·6 per cent. in 1890 to 64·7 per cent. in 1900, while tenancy increased correspondingly from 28·4 per cent. to 35·3 per cent. Nevertheless, the gloomy forecasts to which the fact that over one-third of American farms were in tenants' hands has given rise, do not seem to be warranted. We have already noted the reasons for farm tenancy in the cotton-belt, where it causes less alarm. In the North-west there have doubtless been some cases of men losing their farms by foreclosure and becoming tenants, while some farms have been bought up for investment; but in the main the causes are different. In the first place, the break-up of the " bonanza " farms has come largely through division into tenant-holdings, which simply means the extension of the small-farm system. In the next place, the facts show that the number of operating owners compared with the total farm population has not diminished since 1880, while the comparative number of farm-labourers has diminished in a marked degree. This would seem to establish the inference that the increase in tenants is due to the rise of labourers rather than the fall of owners. This conclusion is further strengthened by a study of the relative ages of operating owners, tenants, and labourers. The striking fact appears that 90 per cent. of all the farm-labourers are under 35 years of age, over two-thirds of the tenants are under 45, while about

60 per cent. of operating owners are over 45 years of age. In other words, there is a steady progress from the ranks of labourers up through tenancy to ownership. This certainly does not represent a dangerous reaction.

Despite wide variations in individual crops, the last five years have been years of large yields and good prices. Even the serious failure in the Indian corn crop in 1901 did not materially affect the situation, for this reverse was balanced by heavy crops in the other cereals, while it kept corn prices high for the corn crop of 1902. Only four times prior to 1897 did the wheat crop reach 500,000,000 bushels. In the last six years the crop has exceeded that amount each year, and in 1901 reached the unprecedented total of 750,000,000 bushels; while the range of prices has been higher than under the smaller crops of the three previous years. In the matter of cotton the conditions have been much the same. The average crop for the last five years has been over 10,500,000 bales, and in two years the crop was over 11,000,000, compared with crops ranging in the ten years previous from 6,500,000 to a maximum of less than 10,000,000 bales. Such statistics, however, give a less vivid idea of the recent change in Western conditions than facts for which no accurate figures can be given. The great change has been the raising of the farmers from a condition of burdensome debt to economic independence. In the decade from 1880 to 1890 millions of acres were taken up by settlers, who burdened themselves with mortgages both for the purchase price and the working capital, and found themselves, before they became firmly established, facing an agricultural depression of almost unprecedented proportions. The pressure of interest payments at a time when crops could hardly be sold at a profit accounts largely for the great hold of the free-silver movement in the campaign of 1896. In the last few years, however, mortgages have been paid off rapidly, while the enforced economy of the preceding years made saving out of increased income easy. The wheat-grower is no longer obliged to sell his crop at once or to mortgage it before harvest. He is in a position of economic solvency, with money laid by. It is this fact that gives more than a passing significance to the prosperity of the West. Mere fluctuation from time to time in farming incomes would hardly warrant extended comment; but the use made of the increased income, namely, the payment of debts, is sure to prove of permanent importance. The surplus may be dissipated, new settlers may incur new debts, but hundreds of thousands of the settlers of the earlier decade are now for the first time in a position to bear reverses. At last they are really in possession of free homes.

We may now consider the industrial expansion. The census of 1900 attempts to determine the relation of manufactured to agricultural products in money value, and to establish the excess of the former, even after making proper deductions for the value of the raw materials.

It is unsafe, however, to place much dependence on such calculations, while the comparison of different periods according to the value of products may give results very different from those reached by a comparison of quantities. A few figures, however, may be given to indicate the surprising growth of the last half decade.

The production of coal, which had already surpassed the amount of British production in 1899, increased by 1902 to 293,000,000 (short) tons, an increase of 75,000,000 tons in four years, and of 140,000,000 in ten years. The production of pig-iron increased 90 per cent. between 1897 and 1902, and reached a total of over 17,000,000 tons in the latter year, while steel production increased to about 15,000,000 tons; the product in both cases being greater than the combined output of the United Kingdom and Germany. In the textile industries the progress has been continuous, but by no means so striking as in iron and steel. The United States now consumes a larger quantity of cotton than the United Kingdom, although this is far from indicating that British supremacy in the cotton industry has been threatened, since the large consumption in the United States is due to the great amount of coarse spinning. The number of spindles at work in the United States in 1900 was only 40 per cent. of those in Great Britain, though more than twice the number used in any other country. Among the textiles the most rapid advance has been made in the manufacture of silk, the product of which is now worth more than $100,000,000, and gives the United States the second place in that industry, but a little behind France.

It is not possible to describe the growth of different industries in detail, but a few general statements may be given. The census reports establish fifteen groups of industries, of which the four most important in order are food and kindred products, iron and steel, textiles, and lumber and its manufactures, in each of which the product is valued at over $1,000,000,000. Among these the greatest increase during the decade has been in iron and steel. Among the other groups, that of metals and metal products other than iron and steel shows an increase of over 100 per cent., and a total value of $748,000,000. A special group consists of vehicles for land transport, and shows an increase of 50 per cent. over 1890, and of 396 per cent. since 1880. Other marked increases are in iron and steel shipbuilding, which has risen from about $40,000,000 to over $85,000,000; and wood-pulp and paper, with an increase of 61 per cent. over 1890, and a total value of over $127,000,000.

Other general marks of progress may be noted. The estimated horse-power used in production rose 90 per cent. between 1890 and 1900, from less than 6,000,000 to over 11,000,000. The railroad mileage increased in the decade ending 1902, from 171,563 to over 200,000 miles, and constitutes more than 40 per cent. of the total mileage of the world; while traffic increased from 88,000,000,000 to

147,000,000,000 ton-miles, and gross receipts from $1,171,000,000 to $1,711,000,000. Deposits in all banks reached in 1902 $9,315,193,912, an increase of $4,000,000,000 in five years. Bank clearings were $116,000,000,000, showing a gain of 100 per cent. over 1897.

Apart from the extraordinary outburst of business activity as proved by these figures, the period following the depression years 1893–6 is notable for two reasons, viz. the great strides made by the United States in the foreign market, and the rapid growth of industrial consolidations. An analysis of the statistics of foreign trade brings out many interesting points. The total exports of domestic merchandise, exclusive of specie, for the six years ending June 30, 1902, were annually in excess of $1,000,000,000. Until 1897 that total had been reached in only one year, viz. 1892. The culmination, so far as money values are concerned, came in 1901, when the exports reached $1,460,462,806. In 1902 they fell off slightly, the total being $1,355,481,861. For the six years ending in 1902 the average annual exports were about $1,322,000,000, compared with an average of $878,000,000 in the six years previous, showing a gain of over 50 per cent. The gain in the period from 1891 to 1896 was less than 20 per cent. over the six years, 1885–90; while the period 1885–90 showed an actual loss compared with the years 1879–85.

Much comment has been occasioned by the relative increase of manufactured exports. According to the classification of the Treasury Department, the ratio of exports of agricultural products and manufactures respectively to total exports was 83·25 per cent. and 12·48 per cent. in 1880; 74·51 per cent. and 17·87 per cent. in 1890; 60·98 per cent. and 31·65 per cent. in 1900; and in 1902, marking a slight reaction, 62·81 per cent. and 29·80 per cent. The same tendency appears even more strikingly from the fact that, whereas total exports in the last six years have increased by about 50 per cent., the exports of manufactures have more than doubled. Comparing the three years 1900–2 with the years 1890–2 the increase has been nearly three-fold, from an average of $470,000,000 in the first period to $1,250,000,000 in the second. By far the most important of the manufactured exports are iron and steel products, with a total of $98,000,000 in 1902, to which should be added $16,000,000 of agricultural machinery. The highest figure reached for iron and steel goods was $122,000,000 in 1901, compared with less than $27,000,000 in 1892. Technically the proportion of manufactured exports to total exports is much greater, since the above classification includes flour and provisions, which are indisputably manufactures, under the head of agricultural products. But the classification shows the distinction of chief interest, namely, the proportion of exports which are primarily due to agricultural resources rather than to manufacturing skill. If the export of refined petroleum (about $70,000,000) were taken from the list of manufactures,

the comparative importance of the natural resources of the country would appear even greater. It appears then that the United States is still able to hold its place as the chief seller among nations of food-products and raw materials. Despite the increasing consumption of cotton at home, the greater production makes it possible to export the same proportion of the crop, about two-thirds, furnishing 80 per cent. of the total world's supply. The exports of cotton in 1901 were more than 3,500,000,000 lbs. Out of a crop of 748,000,000 bushels of wheat 290,000,000 were exported, including flour, with a value of $200,000,000. The exports of Indian corn, which formerly found no market abroad, have increased to over 200,000,000 bushels, while the exports of provisions have doubled within a decade. In 1901 the value of the exports of provisions was $207,000,000, of breadstuffs $276,000,000, and of cotton $300,000,000, a total of $783,000,000 for these three items alone.

The statistics of imports bring out more clearly still the increase of manufacturing industry. The amount of manufactures imported ready for consumption tends to become less and less important in comparison with the materials, raw or partially manufactured, for further use in manufacturing. Scarcely more than 25 per cent. of the total imports are of the first class. Of the chief manufactured imports of the earlier period, cotton goods alone have held their own even in actual quantities. The importation of woollen goods, especially affected by the tariff, has fallen to less than $15,000,000, of silk goods to about $25,000,000, while iron and steel imports have averaged less than $20,000,000 in the last five years, compared with average exports of more than $100.000,000. Other manufactures of minor importance, especially luxuries, have increased; but on the whole, despite the greatly increased home demand, the quantity of manufactured imports ready for consumption has diminished. On the other hand, the imports of food-products and materials for manufacture have greatly increased, though in the case of food-products the fall in prices has concealed the real facts. The chief single items of import are coffee to the amount of more than 1,000,000,000 lbs. in 1902 with a value of $71,000,000, and sugar, to the amount of 3,000,000,000 lbs. with a value of $55,000,000. The imports of raw material have increased even more rapidly; for india-rubber and gutta-percha the increase in the decade was 100 per cent., for hides and skins 150 per cent., for silks nearly 100 per cent., for tin more than 100 per cent. Notable imports of half-manufactured goods are leather, chemicals and dye stuffs, wood, and tin plates. The actual proportions in 1901 were as follows: food-products and animals 27·02 per cent.; raw materials 32·79 per cent.; partially manufactured 9·61 per cent.; ready for consumption 30·58 per cent.

A further significant indication of the growth of industrial independence is to be found in the relation of total exports to imports. From 1790 to 1874, the imports exceeded the exports in all but six

years; since 1874 the exports have been in excess except in four years. The early period, then, was one of extensive borrowing in Europe. The excess of exports from 1874 to 1896 was probably not more than sufficient for the payment of interest, freights, remittances by immigrants, and the like. But in the five years from 1898 to 1902 the total excess of exports has been over $2,650,000,000. This would seem to indicate a rapid payment of the foreign indebtedness, a conclusion supported by the facts known regarding the sale of foreign-held securities in the New York market. Furthermore, despite the large amount of foreign capital still invested in America, the United States is already becoming in some degree a creditor nation. The investment of American capital in foreign enterprises and the bonds of foreign governments has already begun to arouse comment.

This long array of figures shows briefly the extent to which the United States has approached the goal of self-sufficiency so ardently desired by the protectionist statesman. In the matter of raw material the country has ample supplies of the chief food-products for its own needs: of coal, iron, copper, and lumber for building and manufactures; of cotton, and (in less measure) of wool, for its clothing. In the matter of manufactures it still imports large quantities, but these are chiefly of the finer and more luxurious kinds. It imports less than 5 per cent. of its consumption of iron and steel, less than 10 per cent. of its cottons and woollens, and less than 20 per cent. of its silk goods. Its chief dependence on foreign countries for single important commodities is on the non-European countries for its coffee, tea, and sugar, its hides and furs, its silk, fibres, and rubber, its tin, and to some extent its wool. On the other hand, it has a market at home for its own manufactures, which absorb 90 per cent. of the total production. Its farmers are still dependent on the foreign market for the disposal of their surplus wheat and cotton, of which one-third and two-thirds of the crops respectively are exported, and for which the foreign demand fixes the price. In the case of Indian corn, however, less than 10 per cent. is exported; and, taking the country as a whole, the prosperity of the farmer depends more on the feed-crops, Indian corn, oats, and hay, than on wheat. The influence of the foreign market in fixing prices through its absorption of certain surplus products of agriculture and manufacture easily obscures the importance of the home market, and even the real factors of wealth. A vast amount of the commodities produced annually does not enter into commerce at all, but is consumed at the place of production. The money value of the dairy products annually produced in this country is greater than that of the total wheat crop; and the value of the poultry and eggs is greater than that of the production of gold, silver, and copper combined. It may be said in general, that the foreign trade of the United States, great as it is, is less important compared with the internal business of the country

than that of any other country of a similar degree of civilisation. This fact is also seen by reference to the statistics of traffic. The amount of grain consumed where it is grown is so great that the grain tonnage hauled, even by some of the so-called "Granger" railroads, is less than the tonnage of manufactures. There are more tons of manufactured goods hauled to the West than there are tons of grain hauled back. Of the total traffic of the railroads of the country the products of agriculture (exclusive of animal products) contributed in 1901 only 10·76 per cent., while manufactures contributed 13·75 per cent. A further illustration of the immensity of the home trade is seen in the fact that the tonnage of vessels passing through the Sault St Marie, between Lake Superior and Lake Michigan, in 1901, was as great as the total tonnage entered at United States ports from all foreign countries. The navigation of the great Lakes has increased with marvellous rapidity in the last few years; and they now constitute the greatest inland waterway of the world.

The industrial expansion which has been described above has been accompanied by, and is in some degree the result of, a widespread reorganisation of business control, which has brought to the fore the entirely new problem of capitalistic centralisation. The development in its present form has been so recent that the most careful investigators find themselves unprepared to speak with any confidence regarding its results. The movement seems to have had its inception during the reaction which followed the period of excessive speculative investment after the Civil War; and the first of the new combinations, the Standard Oil Company, still remains the greatest in its power and solidity. Other combinations were formed at a comparatively early date, notably in the sugar and whiskey industries; but the earlier "Trusts," though important, were few in number. With the upward movement of industry, however, which followed the depression of 1893–6, the movement toward combination went on with such startling rapidity that the public seemed likely to find every one of its articles of consumption under the control of a single organisation. In the financial centres there seemed to be an absolute mania for the reorganisation of competing companies on the new lines. In the single year 1899 the nominal capital of newly formed combinations reached a total of $3,500,000,000, of which, however, more than three-quarters represented the capital of the reorganised companies. In the following year the United States Steel Company was organised with a capital of $1,100,000,000, besides a bonded indebtedness of $300,000,000. If a single corporation to control the vast iron and steel business of the country could be successfully established, there seemed indeed no limit to the process of consolidation.

The fact that consolidation has followed periods of depression suggests the cause frequently assigned for it, namely, the necessity of escaping from a cut-throat competition which results from speculative and unguided investment. This was unquestionably an important

motive in the earlier period; and its results are best seen in the case of railroads. The disorganisation resulting from over-building and the uncontrolled competition of bankrupt roads, which had to meet no fixed charges, led to "pools" and traffic agreements which aimed at establishing some degree of harmony in rates and policy. These, however, seldom endured; and the legislation prohibiting "pools" hastened the movement of consolidation, till at the present time a large proportion of the mileage of the country is consolidated in a few vast systems. Furthermore, under the dominating influence of a small group of financiers, a new policy has been enforced among the different systems which has been termed the policy of "harmony of interest"; and, for the time being, the rate wars of the trunk lines have nearly ceased. This is evidently in one sense a tendency to monopoly; but it cannot be denied that even under the new system competition among the trunk lines is vigorously pursued, while a stability of railroad business has been secured that is of great benefit to commercial interests.

If all industrial combinations had been formed under the same conditions, they would represent an important step toward the reform of that system of disorganised and speculative production which has been a primary cause of modern commercial crises, and has justified one of the chief charges of socialistic critics against capitalistic industry. It is not denied that to a certain degree many of the industrial combinations have this character; but it is only in a certain degree. On the whole, other causes have been more potent in the formation of so-called "Trusts" than the necessity of escaping from ruinous competition. The first is the desire to escape from any competition at all, that is, the desire for monopoly. No mere effort to maintain normal trade conditions could explain the brutal and sometimes unlawful methods which have not infrequently been adopted to crush out every incipient effort at rivalry after the organisation has been firmly established. To cut down prices within the special market reached by the rival while raising them elsewhere, to institute "boycotts," and to secure discriminating rates from public carriers, — these are not steps in the direction of industrial reform. The primary aim of the most conspicuous Trusts has been to secure command of the market through the power which great capital affords to outlast the individual competitor in the unequal struggle.

Another cause of Trust-building, especially at the beginning of the more recent movement, has been the desire to make speculative profits out of securities. The promoters of these organisations have frequently been outsiders, who persuaded a certain number of companies to combine in order to secure a large block of stock for their services in financing the new organisation. The practice of organising companies to manufacture certificates of stock rather than commodities was known long before the trust problem arose; but the new tendency afforded a fine opportunity to carry this out on a large scale. In some cases the owners

of the original properties have received only bonds and preferred stock, the total issue of common stock being distributed between promoters and underwriters. The dangers of over-capitalisation for stock-jobbing purposes, to any class except the more foolish speculators, have been exaggerated; but the practice explains in no small degree the rush to effect combinations of an unstable nature at a time of speculative activity. So far as this has been the chief factor, the movement is necessarily of a temporary nature; and one of the most encouraging signs in the whole situation has been the comparative conservatism, after the first outburst, of both the banks and the public in the matter of taking up securities of so uncertain a nature. The extravagant hopes that have been capitalised in the form of "watered" stock have been largely discounted by the investors.

A more serious question, however, arises in the case of the combinations which stand on a solid foundation. Their advantages have been frequently explained — the reduction of cost by production on a large scale, the saving effected by the utilisation of by-products and by the production of many articles formerly purchased in the market, the possibility of obtaining the highest skill in management, the elimination of the expenses incurred in competing for the market, the employment of the best experts, the ability to withstand temporary reverses, and many others. There is a limit to the size of an industrial undertaking necessary to secure the maximum economy and efficiency; and it is possible that some of the present organisations have reached a point at which the difficulties of management outweigh the above-mentioned advantages. In the main, however, the facts seem to bear out the claim of the large combinations to superiority in production; and probably a considerable share of the total increase in the export of manufactures is due to the reduction in cost which they effect, and to the energy which they have shown in seeking foreign markets. In view of these facts, a certain section of the public feels perfectly satisfied with what they consider a trust-made prosperity.

But, even if it be granted that the Trusts have been able to cheapen the cost of production, their advantage to the public depends on the use made of this power. A reduction in prices is not, as a rule, the fruit of monopoly. As a matter of fact, many so-called Trusts are merely combinations of a certain number of companies, which mark a tendency to consolidation, but do not in any sense control the market for their products. For that reason any list of Trusts is misleading when given as showing the extent of monopoly. They frequently have to meet the fiercest form of competition, that of a rival combination. In certain cases, however, a sufficient control of the supply, say from 75 to 90 per cent., has been secured to make possible the dictation of prices within limits. The limits are set by potential competition and the diminution in demand as the price rises. There are doubtless cases

where prices have been maintained at a rate higher than would have been possible under normal competition, but there are also instances, no doubt rarer, in which the Trusts have restrained a speculative increase in prices with a view to the maintenance of stable business conditions, which their defenders claim to be their chief function. As yet it is impossible to say with certainty what is the effect of Trusts on prices; but if the great combinations do not as yet abuse their power over prices, they have the power to do so; and that fact in itself constitutes a national problem.

Unquestionably the control of the supply of any important commodity by a single company is contrary to the spirit of American law and to the traditions of American business. And it is as much the market question of price as the social question of industrial power that excites alarm, even among the least radical. The tendency towards consolidation has not been confined to a single industry, but huge surplus profits have sought investment in neighbouring fields; and the same directive influence is seen in many diverse lines. Railroads are coming to be more and more controlled by the same powers; while in the field of banking, which until recently has been completely decentralised in the United States, institutions of great size have been established to finance the operations of these great enterprises, and are rapidly extending their control over other banks in the leading financial centres. It would be out of place here to enlarge on this situation; but there can be no doubt that the financial power of the country is to-day centralised in fewer hands than before, and that this power is more far-reaching in its influence than seems consistent with the democratic traditions of the past.

Other problems of economic policy are presenting themselves at the same time. The protective system, which has never been successfully attacked on the ground of the consumer's interest, is being criticised from two new points of view. In the first place, the question of the effect of the tariff in supporting industrial combinations has put the protectionists on their defence; while the influence of the increasing effort to extend the foreign market is more important still. The fact that the home manufacturers are able to compete in the neutral markets cannot fail to raise a doubt in the public mind as to the further necessity of such high protective duties; and those manufacturers who are striving to increase their exports are likely to prove less enthusiastic than formerly about a system of almost prohibitive duties which restricts the whole development of foreign trade. The strongest demand for a reduction of duties comes from the West, where the desire to extend the markets for their agricultural products, and the widespread hostility to the Trust movement, combine to form that opinion. It cannot be said that the abstract doctrine of Free Trade has ever taken great hold in the United States; and the present agitation follows rather the line of

President McKinley's significant utterance delivered the very day before his assassination. Although himself the most conspicuous defender of the protective system, he declared in his last speech his conviction that the time had come when the restrictive policy should be modified to meet the new conditions of international competition in the neutral markets. The policy of reciprocity, supported by his great authority and accepted by his successor in office, though as yet checked by the extreme protectionist element, has unquestionably a strong hold upon the masses, even in the ranks of the Republican party itself.

The freedom with which immigration has hitherto been permitted was partly the result of political idealism — the sentiment that America has "room about her hearth for all mankind" — but even to a larger extent the result of an economic demand for more labour. At the present time, however, population has increased sufficiently to supply this demand; and already the rate of increase has fallen from 33 per cent. in the decade to 20 per cent. Moreover, the character of the immigrants has changed. Whereas formerly the larger proportion of them were of the best races of western Europe, at the present time that kind of immigration has practically ceased; and the country is receiving annually hundreds of thousands of the lower classes of south-eastern Europe, a more ignorant and turbulent element, which is not easily assimilated and which threatens to form a permanent proletariat inconsistent with the theory, at least, of a democratic society.

New problems of direct government activity have also arisen. The political importance of a trans-isthmian canal was clearly seen at the time of the Spanish war, but, if it is built, it will be primarily for commercial reasons. The gradual disappearance of free land has raised the problem of irrigation, at government expense, of the Great Desert, vast areas of which would be of unsurpassed fertility if only they had sufficient moisture. A cautious move in this direction was made in the Act of 1902, which provided for a self-supporting plan under which the sales of the first lands should provide for the irrigation of the next. The possibility of successful irrigation over large sections of the arid territory has been established; and every increase in population is likely to strengthen the demand for a vigorous policy along this line.

CHAPTER XXIII

THE AMERICAN INTELLECT

THE American Revolution revealed to Europe that there was such a thing as American nationality. As the nation which then came into being has developed into the world-power now so conspicuous, this nationality has become a matter of general interest. Like any other of those impalpable, indefinable facts, the nationality of old Rome, of Renaissance Italy, of France, of England, of modern Germany, this American nationality has traits peculiarly its own. Nothing could be more natural than the general assumption of those who have tried to define it than that it is a new thing. Europeans of various races, it is generally supposed, have mingled their blood in a new race; and this race, under the new conditions of a continent which almost within human memory was principally untamed wilderness, has developed national characteristics absolutely its own.

"America," it has been said, "is the grave-yard of Europe"; and the remark seems true. No one who has had occasion to deal much with American-born children of immigrants, whatever their social class, can fail to be struck by the swiftness with which their ancestral characteristics are absorbed by those of their environment. In the depths of native American life and temper, the traits which widely differing races bring from their European homes are soon buried from sight. Few inquirers, however, have troubled themselves to ask when this power of universal assimilation first declared itself. Such a question, indeed, is not one to which any precise answer can be given; yet without some conjectural answer to it no clear impression can be formed of how the typical American has come to differ from the typical Englishman or even from the typical European. The evidence on which such a conjectural answer may be based must be drawn from the records which Americans have left, during the three centuries which have elapsed since the foundation of those colonies in Virginia and Massachusetts, from which the principal national traditions of America have sprung.

Any consideration of American expression must result in one conclusion. Since the Revolution the type of national character has changed

very little. The country which to-day absorbs and buries the divers nationalities of Europe is essentially the same which, in the reign of King George III, declared its independence of England. The typical American of 1900 is, on the whole, more like his ancestor of 1775 than is the typical Englishman. For this an adequate reason may easily be found. On the whole, the conditions of American life have altered less, in the last century and a quarter, than the conditions of English life; and it is as true of nations as it is of human beings or any other organisms that, if the conditions surrounding them remain stable, their chief characteristics will not be prone to radical change. Accordingly, we find ourselves, in our search for the origin of American nationality, carried back to a point before that nationality declared itself politically independent. The new race, which, despite itself, has at last attained imperial power, is the same English-speaking race which, four or five generations ago, broke the bonds that held it to the mother-country.

In 1775, no doubt, the American colonies were already of somewhat mixed blood; yet the great stream of immigration, which has been assumed to be the chief source of the difference between Americans and Englishmen, did not begin to flow till more than two generations after that date. It is hardly excessive to say that the Americans of 1775 were, in the main, as English in their traditions and their temper as they were in their language. It follows that, to this day, the nationality of America, for all its various foreign infusion, may be regarded as a variety of the English. Our question accordingly grows more definite, reducing itself to an inquiry concerning the difference which existed at the time of the Revolution between native Englishmen and their fellow-subjects across the Atlantic.

The most familiar analysis of American character at the time of the Revolution is that given by Burke, in his speech on conciliation with America. Without attempting to summarise it, we may agree that it depicts a kind of Englishman specifically, though not generically, different from the kind which had remained at home. A little later, Francis Hopkinson, an accomplished lawyer of Philadelphia, set forth, in a paper familiar to all students of American history, the view of English character which was most obvious to the kind of American whom Burke so vividly sketched. In brief, Hopkinson found Englishmen densely conservative, just as Burke found Americans passionately devoted to the spirit of liberty. The two peoples were of common stock; but their tempers had come to differ, and each was growing aware of it. Our question becomes more definite still. When and how did this difference begin?

A few lines from Hopkinson may suggest the answer, or at least the direction in which the answer is to be sought. "A manufacturer," he writes, in discussing English character, "has been brought up a maker of pin-heads; he has been at this business forty years and, of course, makes pin-heads with great dexterity; but he cannot make a whole pin for his

life. He thinks it the perfection of human nature to make pin-heads. He leaves other matters to inferior abilities. It is enough for him that he believes in the Athanasian Creed, reverences the splendour of the Court, and makes pin-heads." The style is certainly that of the full eighteenth century; but the matter, on inspection, seems not quite so. It lacks the individualisation which from the time of the *Tatler* distinguished the English Essay from the Character-writing of earlier days. One needs little reflection to remember that this more vague and general kind of literary temper was at its height in England not during the eighteenth century but during the seventeenth. Its masters — Hall and Overbury and Earle and Fuller — flourished before the Commonwealth. Taken by itself, such an indication would be trivial. Taken in conjunction with innumerable other symptoms, of which it may fairly serve for an example, it suggests that one chief difference between Englishmen in 1775 and the rebellious colonists may have been that the latter, far more than the former, preserved traits which had ceased to be fully characteristic of England a hundred years before. In other words, there is fair ground for belief that between 1650 and 1775 there was far more change in the temper of England than in that of America.

The same we found true during the century of American independence which has ensued. And in 1650 the settlements, both of Virginia and of New England, were within living memory. The obvious conclusion is that the national character of the United States preserves, far more than that of England, the traits which the founders of the colonies shared with their fellow-countrymen in the first half of the seventeenth century. In other words, the origin of the characteristics of modern America is to be sought in Elizabethan England: for the first settlers of Jamestown, of Plymouth, and of Massachusetts alike, so far as they were of mature years, were Englishmen born in the reign of Queen Elizabeth.

This does not mean, of course, that modern America is an isolated survival of that elder England which vanished in the Civil Wars of the seventeenth century. It does mean, however, that to understand modern America, it is desirable to remember that its ways parted from those of England in the days when men born under the Virgin Queen were in their prime. And the surprising power of assimilation which that vigorous race has shown from the beginning has combined with comparative stability of internal circumstances to preserve in America more traces of Elizabethan England than have survived in the mother-country. Virginia is a name which still suggests an element of lasting truth. New England would be better named if, in the course of generations, it had come to be called Old. And the deep mutual misunderstanding which resulted in the American Revolution arose more from changes in the national temper of England than from changes in America itself. In some important respects the New World has not speeded ahead of the Old; it has rather lingered behind it.

Granting this, and putting aside the question of what changes have occurred in England since 1625, our question now becomes more definite still. It concerns only the ways in which native Americans have developed, in their own country, since the reign of King Charles I. So far as records go, in literature or in any other form of literary expression, this question may conveniently be considered century by century. Clearly, the nineteenth century — that in which American nationality became conscious and generally recognised — has been by far the most noteworthy. But the two preceding centuries have left abundant records of certain kinds, chiefly religious and political. The religious records are on the whole characteristic of the seventeenth century; the political of the eighteenth. And the former issued in such preponderance from New England that, for the present purpose, New England may fairly be held to comprehend seventeenth century America, so far as America was intellectually active.

Seventeenth century New England was founded by Elizabethan Puritans, whose motive for immigration is well stated in the words of Cotton Mather, "'Tis possible that our Lord Jesus Christ carried some Thousands of Reformers into the Retirements of an American Desart, on purpose that, with an opportunity granted unto many of His Faithful Servants to enjoy the precious Liberty of their Ministry, . . . He might there . . . give a Specimen of many good things, which He would have His Churches elsewhere aspire and arise unto." In other words, the founders of New England fervently desired to establish a society, free from those distracting complexities which in the Old World had prevented them from leading a life in accordance with what they believed positive right. No purpose could have been more nobly ideal, nor any much less tolerant. Their effort was on the whole successful. They made short work of dissent from their principles; and for two or three generations they preserved, with little alteration, the religious and political systems which they had planted at the time of the settlement. In religion they were rigid Calvinists. The somewhat grotesque austerity of their consequent aspect and manners has combined with the rather lifeless formalism of Yankee Puritanism in its decline to obscure the truth that early Calvinism was an intensely ideal, imaginative faith. Convinced that man was fallen, that salvation could be the lot only of the elect, and that the test of election was miraculous ability to use the human will in accordance with the will of God, the founders of New England exhausted the resources of human passion and aspiration in unceasing effort to image Divinity and to assure themselves, if so might be, that they would merge their own being in that of God. Without some understanding of this intense pristine idealism of New England it is hard to understand the subsequent development of American character. Keeping this idealism in mind, one finds the development of America natural and simple. For even before the seventeenth century ended the Pilgrim Fathers were

dead; and the religion of New England, as well as its political and moral convictions, had already acquired, in its isolated home, the strength of immemorial tradition. In other words, the general principle that life should be governed by ideal aspirations—a principle which in the older world must have proved at odds with established custom, and therefore a breach of historical continuity—became, in New England, itself customary.

On the whole, the social system of New England was hierarchical. The chief power, social and political, was in the hands of the clergy. The Church government was congregational; each Church was independent; but there was little dissent from established principle. And from this state of affairs, quite as much as from any political circumstance, arose that kind of republican democracy which has remained so characteristic of all the regions affected by New England tradition. The minister was called to his office by the vote of the congregation over which he was to preside; but, once elected, he enjoyed an authority, spiritual and intellectual, of extraordinary range and strength. With his fellow-ministers he was one of a chosen company, generally acting in harmony, whose position on Yankee earth faintly figured that of the elect in a Yankee heaven. And, though the orthodox clergy of New England fell from their earthly estate a full century ago, the tradition they implanted still gives to ministers, in most parts of the United States, a kind of factitious dignity greater than that enjoyed by most clergymen of a fully established Church.

As New England grew, there appeared, in various directions, a tendency to diverge from the rigid principles of the early days. To this we owe the single work of the seventeenth century in America which has any claim to literary permanence. This is the *Magnalia Christi Americana*, or Church History of New England, written between 1690 and 1700 by Cotton Mather, at that time the most conspicuous Conservative minister of Boston. Hastily written and far from trustworthy in detail, this book is in spirit a document of historical importance. Cotton Mather honestly believed that the founders of New England wrought the will of God; if so, he reasoned, God would indicate His pleasure by choosing from New England a remarkable proportion of His elect. Accordingly, if a truthful record of what had transpired in New England during its seventy years of national life should reveal an unusual amount of godliness, the record would virtually demonstrate that the Fathers were immortally right. Nothing else could so certainly stem the tide of liberalism, of progress, of whatever we choose to call the departure from the principles and the practices of the elder days; nothing else could so certainly maintain the work which the Fathers had accomplished. So this big, confused folio was flung together; historical records, biographies of saintly ministers and magistrates, the story of Harvard College, the creeds and disciplines of the Churches, and awful warnings for those who fell away. The book is written in the manner of

the mid-seventeenth century, or earlier. Published after Dryden died, its style and literary temper are, at the very latest, those of Fuller. But it is clear; it is rarely dull; it has occasional beauties; and, above all, it sums up virtually the whole of New England experience during the first century of New England. Examples of all the kinds of writing, in verse or in prose, which had proceeded from that earlier time—the publications were mostly Puritan sermons, to be sure—may be found most conveniently in its pages. What is more, the *Magnalia* went far to prove its main point. The doings of New England which it records for seventy years were doubtless human, and therefore often weak and sinful. Nevertheless, the amount of simple human virtue, and of honestly aspiring godliness, which those years could show, was something to prove that the New World was specially favoured by the God whom it was founded to serve.

Though the *Magnalia* thus sustained Cotton Mather's position, it in no wise served his purpose. He had hoped that it might prove an efficient exhortation to the present and the future. Instead, it has proved only a comprehensive record of the past. Despite the Puritan traditions which have so deeply affected American life, that national life was already started on the course which it has followed. And this course has been considerably affected by precisely the moral fact which Mather attributed to the miracles of God in a region specially dedicated to His service. For this moral fact—a somewhat exceptional purity of personal character, general freedom from excess of sensual vice, and persistent effort to govern life, political and domestic as well as religious, by earnest principle—we can discern nowadays a reason far from miraculous. Though the material and economic conditions of early New England were hard and narrow, they were remarkably simple, and free from every kind of social complexity. The very sparseness of population made the struggle for life chiefly a contest with the forces of nature. Acute wickedness, obviously deformed distortion of human character, is apt to develop chiefly in regions where population is congested. The transplantation of an essentially idealistic and earnest race to an empty continent would involve less change of temper than would occur in a crowded world; it would rather promote the unchecked growth of a simpler type of character than would be frequent in any old and densely settled parts of the earth. Incidentally, too, the growth of this simpler character would tend in time to general views signally different from those of the Calvinists anywhere. The social phenomena of Europe have usually been such as to warrant unfavourable conclusions about human nature, which have become crystallised in theological doctrines of human depravity. But, if in any district God's elect, as Mather would have put it, are to be found in considerable numbers, the happy dwellers in such a region find themselves surrounded by a kind of human beings who do not seem bound hell-ward. Their experience tends to prove human nature on the whole well-disposed. Calvinism no longer

fits the case. It may be said, of course, that God is uncommonly kind to a particular neighbourhood; but it is simpler to say that Calvin was mistaken about the extreme depravity of men. And this is the view which Americans, on the whole, have been disposed to take.

Cotton Mather was by no means wholly a man of the past. Though his principles in religion and in politics were what he believed those of the New England Fathers to be, he found time, in his wonderfully busy life, for much scientific and other observation. His letters on various phases of natural history in America won him recognition from the Royal Society; and he supposed himself fully entitled to the dignity of F.R.S. Towards the end of his life he introduced at Boston the practice of inoculation for the small-pox, which is said not to have been attempted previously in the British dominions. A conventional seventeenth century scholar, he felt, nevertheless, the impulse of the newer learning which was to distinguish later centuries. To this he contributed certain unimportant facts. He never approached, however, a scientific generalisation; and his chief scientific achievement was that medical one in which he applied to practical use the result of his omnivorous reading. In this aspect he foreshadowed the America which was to follow him. Americans have observed well; they have made a great many useful and practical inventions; but to this day pure science would be little poorer without them.

So far as seventeenth century America expressed itself, its intellectual energy was concentrated in New England, and was chiefly devoted to Calvinistic theology. In the following century the state of things was different. New England, to be sure, still remained the centre of theological activity. It produced, in Jonathan Edwards, the man who may still be held the most eminent of American theologians. As one considers the unflinching logic of his Calvinism, however, there is an aspect of it more noteworthy than its courage and its technical excellence. This is its remoteness from actual experience. The earlier Puritans had accepted with all their hearts a creed which explained to their satisfaction the confusion and the wickedness of human life. Edwards, turning his eyes from all things of this world, and seeking, like the true Yankee that he was, for the truths which lie beyond the limits of human experience, devoted all his energy to reasoning out extreme conclusions involved in the faith which he had accepted from the Fathers. Unlike the eminent ministers of earlier days, he concerned himself hardly at all with public affairs. His career, accordingly, marks at once the tendency of American theology to depart from experience in its search for ideal truth, and the tendency of American life to separate the things of this world from those of the next. The elder divines were practical and often skilful politicians; the diplomatic achievement of Increase Mather, in securing the Provincial Charter of Massachusetts, was almost as remarkable as the later diplomatic career of Franklin. Edwards, on

the other hand, the most eminent American divine of his time, had nothing to do with any form of politics. No life could exemplify more clearly than his a complete separation of Church and State.

It was chiefly in affairs of State that eighteenth century America was noteworthy. Just at the end of the third quarter of the century came the most critical event in American history — the Revolution which resulted in national independence. The more one considers this stupendous imperial disruption, the more puzzling it appears. There was no tyranny on the part of Great Britain so galling as to account for the passionate revolt of America or to justify the blatant traditions of Fourth of July oratory. Yet, beyond question, the revolt of America was not only passionate but deeply sincere. To understand it, we must recall the facts that the national life of America parted from that of England not in the time of George III but early in the reign of Charles I; that the traditions of America had their origin in Elizabethan England; and that, apart from other considerations, the British Parliament attained to predominance in the State only at a time when the American colonies had already developed working constitutions of their own. Of this traditional system in America no feature was more marked than that which established the custom that a representative to any legislative assembly should not only be elected by the constituency he represented, but should actually be resident among them. No single fact could more clearly typify the divergence of constitutional practice in America from that of England, sixty years before the Reform Bill. Each country, in brief, had its own political traditions; and those of each were consecrated by customs which extended far beyond the range of human memory. Furthermore, the mutual misunderstandings bound to arise from such divergences were emphasised by the growing differences of national temper due to the fact that, in general character, America had changed so little, while England had changed so much, since the early days of colonial settlement.

Though the first important conflicts of the Revolution occurred in Massachusetts, the revolutionary sentiment pervaded all the colonies, and was most memorably expressed in those further south. The Adamses were Massachusetts men; but Franklin, though born in Boston, was an almost lifelong resident of Pennsylvania; Hamilton was of New York; and Washington, Jefferson, and Madison were of Virginia. From Virginia, most of all, came the utterances on which the political temper of America has subsequently been based. The Declaration of Independence was written by Jefferson's hand. To understand this newly evident phase of American temper, we must glance for an instant at the development of other regions than New England. In brief, these had been colonised not for religious but for secular purposes; and the energies of their inhabitants had been chiefly devoted to success in things of this world. Such an object requires a fairly settled state of

law. In early colonial days there were few lawyers; and, at the outset, no locally established customs. Before long, customs began to assert themselves; in a generation or two, these had become established. The Courts, which gave them the sanction of formal law, were then composed not of trained jurists but of men resembling in general rather the justices of the peace than the judges of England. As a class they were persons of vigorous sense and upright character; they were confronted with the nominal duty of administering the law of England, and accordingly informed themselves concerning it as well as they could by means of treatises and books of legal forms; but, in reality, their duty was to establish in their own remote country a legal system which should secure them the rights of life, of property, and, so far as might be, of liberty. Thus there grew up among them a habit of assuming that the practical customs of their country were really based on abstract legal principles, concerning which, now and again, they discoursed and disputed with far more freedom than would have been the case in a country where lawyers and legislators had been especially trained for their careers. From the nature of affairs, any man of position and of intelligence was apt to find himself charged with duties which compelled him, in some degree, to assume the character of a jurist and of a legal thinker; he might at any moment be called to a position in which he would be expected to assert not only the actual state of the law, but the reasons for it.

When we remember that these conditions originated in the reign of Charles I; when we recall the tendency of England at that time to the assertion of general political principles — a tendency never so evident there after the collapse of the Commonwealth; and when, furthermore, we remind ourselves of the comparative stability of American social conditions, we shall feel less wonder than sometimes arises when we are confronted with the political philosophers of the American Revolution. They were in truth the successors of generations who had been compelled to administer a new system of customary law, and to defend and support it by reference to principles and authorities which had developed under conditions widely different from their own. They had grown so accustomed to the assertion of abstract legal and political principles, derived from their occasional reading and study, that they instinctively welcomed the delusively simple and alluring generalisations of fashionable French philosophy. Yet, all the while, they never dreamed of letting general principles, however fascinating, interfere with the state of legal custom on which the stability of their society depended. They had learned, to a degree which has not been understood, the practical lesson that life cannot be conducted on abstract principles. In practical matters their good sense was remarkable. Yet they never quite understood the actual divergence between their preaching and their practice. At heart, they had an instinctive, uncritical faith in their

own integrity. They held certain beliefs; they conducted themselves in certain ways; and they were certainly themselves. It seemed indisputably to follow that their beliefs and their conduct must be consistent. Emerson was more American than he knew when he proclaimed that "a foolish consistency is the hobgoblin of little minds."

Among the Americans of the eighteenth century, the most eminent was probably Franklin; and in many ways his character was typical both of his country and of his time. As the isolation of Edwards had indicated, theology was no longer a dominant force in the American colonies. The growth of the colonies inevitably forced questions of this world on the attention of the people. This was true not only in matters of politics and law, but still more in the conduct of private affairs and the business of daily life. Of the various proofs of Franklin's common-sense which are furnished by the reading of his letters and other works, none makes a more deep and lasting impression than the cool decision with which he recognised this state of affairs. He was far removed from atheism; on the other hand, he could see no reason for troubling himself about the problems of theology. He found himself placed in a world where he was free to win his honest way from obscurity to a distinction which gives colour to the contention that on the whole he was the most successful man of his century; the affairs of this world, the questions which inevitably arose concerning the relations of men with one another and with physical nature, seemed to him enough for any human being. If a man did his best, intellectually and morally, he need have no fear of God; for the angels can do no more. And Franklin did his best — as printer, as shopkeeper, as practical moralist, as scientific observer, as inventor, citizen, diplomatist, statesman. It was his study of electricity which won him most recognition as a man of science. Yet, on the whole, what seems chiefly to have interested him in this respect was his invention of the lightning-rod, so long believed to be a protection against the fiercest danger which can fall from the skies. His other scientific studies were apt, in the same way, to result in practical inventions, made rather for the benefit of humanity than from any consideration of mere personal advantage. The Franklin stove — an iron fireplace advanced a few inches in front of the old gaping chimneys — added more to the comfort of American life than words can tell; for more than half the heat which had escaped up the wide chimney-throat was saved to do service.

In science, as in public life, this Franklin, calmly facing whatever question presented itself, tried to solve it or to measure it in the most broadly sensible way. Philosopher as he was, he troubled himself so little about ideals and abstractions that, paradoxically enough, his Americanism seems a little short of that which should most broadly have characterised his country. On the practical side he left nothing to be desired; he was constantly willing and eager to adapt himself, and to urge that others should adapt themselves, to the conditions of life by

which they were surrounded. As a reasoner, whether dealing with others or communing with himself, he was vigorous, honest, and so shrewd that the expanse of his common-sense extended to the verge of genius. In versatile rationality he never had a superior. But, on the whole, he never quite completed his typical nationality by such sympathetic understanding of ideal philosophy as underlay both the theological abstractions of Edwards and the political generalisations of the statesmen of the Revolution. In that eighteenth century America, in which the independent life of the United States had its origin, the older fusion of ideals and of practical conduct had evidently begun to give way.

The aspects of American character on which we have now touched may be taken, on the whole, as comprehensive. Edwards typifies the older theology, divorced from life as Church and State began to trend apart, but still vigorous in that intensity of idealism which had been from the beginning what it remains to-day — the true spiritual force of America. The statesmen of the Revolution show how a modified form of that same idealism could underlie schemes of legal and political conduct, which on the surface seem at odds with the ideals they are supposed to express and to justify. And finally, the consummate rationality of Franklin typifies, more admirably still, that phase of American character which, while not insensitive to the influence of pure ideals, can adapt itself and devote its energies to the advancement not of abstract science but of the practical conduct of life. The question now before us is how these national characteristics, of which we have tried to trace the origin and the development, have displayed themselves since the Revolution. This question we may conveniently consider under the separate headings of law, philosophy, literature, art, science, and education.

As we have already seen, the state of law in America, when the Revolution occurred, was peculiar. Nominally the law of England prevailed from New Hampshire to Georgia. Each of the colonies meanwhile had a legislature of its own; each had its own Courts, and had long ago begun to establish an unwritten law of its own. This unwritten law, however, was everywhere stated in terms which assumed it to be the law of England itself. Accordingly, hardly anyone, on either side of the Atlantic, understood how, under the new conditions of colonial life, a number of customs unknown in England had acquired in America the full force of constitutional sanction. This peculiar condition of affairs, which has not yet been much studied in detail, lay at the bottom of the deep mutual misunderstandings which resulted in the independence of America.

Something similar has persisted in the United States to this day. The settlement of the West, which began well before the nineteenth century, and which is hardly yet complete, has been accompanied every-

where by the practical jurisdiction of Courts which believed themselves to be administering either the common law or — in the case of regions originally colonies of France or of Spain — some other recognised branch of the law of Europe. In fact, however, these Courts have constantly been called on to sanction or to establish new customs such as were demanded by the frequently unprecedented conditions of the societies which they attempted to organise. In seventeenth century New England, for example, there arose an unwritten and almost unrecorded law concerning meeting-houses, the proprietors of which were sometimes a body distinct from either the Churches which assembled therein or the parishes which the church-meetings governed. In the mining regions of the Pacific slope, within the past fifty years, the staking of claims — originally almost a matter of brute force — gave rise to a department of law, now, like the staking itself, mostly obsolete, which was almost as fixed as that which governs English rights of way. And the same development may be traced elsewhere. It is a happy legal notion, honestly believed by most Americans from the beginning to this day, that no question can arise which the law does not cover. Accordingly, when new questions have arisen, the law has presently been so stretched as to cover them, or at least as to maintain the semblance of justice and of order.

The legal development that we have traced is familiar enough to students of English Constitutional History. So, in its fundamental nature, is the practice, which has everywhere accompanied it, of correcting the errors and supplying the deficiencies of customary law by legislation. In various ways, however, the legislative system of America has differed more than is usually perceived from the parliamentary practices on which it was based.

In the first place, every State in the Union, like the Union itself, has had, from the beginning, a written constitution; and this has theoretically limited, to a degree unknown in England, the powers of all branches of the government — legislative, executive, and judicial alike. Constitutions, however, no matter how carefully written, require interpretation. Speaking generally, the interpretation of American constitutions has been confided to the Courts established under them; and, on the whole, these Courts have discharged their interpretative duties in the same spirit which has animated their administration of unwritten law. They have found themselves confronted with questions which had to be solved practically; their business has been to declare how to apply the rules of a system, whose general efficiency has been assumed in the terms of the problems presented to them. Their prime duty, from the beginning, has been to establish and to maintain social order, and to avert anarchy. From this they have rarely shrunk. The natural consequence has been that no American constitution exists in so pristine a condition as to warrant the assumption that any clause in it is comprehensible, until one has painfully ascertained exactly how that clause has been interpreted.

At best, a written constitution has proved only a tolerably articulated skeleton; the living flesh of law with which it must be clothed, in order to possess vital force, has sprung, like the common law itself, from the judiciary. Therefore, paradoxically enough, the written constitutions of the United States have actually tended rather to strengthen than to weaken the force which throughout the constitutional history of England and her descendants has resided in unwritten law.

In the second place, the complexity of legislation in the United States has been hitherto unprecedented. Under the British system Parliament has tended to become more and more a sovereign power; and, at least in the British Isles, subordinate legislative bodies — city corporations, town councils, and the like — have been analogous rather to bodies assembled for the transaction of private business than to so august a body as the House of Commons. In the United States there is, to begin with, the Federal Congress; next, each State — and there are now some fifty of them — has a legislature, virtually a separate parliament, of its own; and finally, almost every town which has reached the dignity of a city charter has been subject to a legislative body — usually in two separate assemblies — which has generally tended toward parliamentary, rather than civic, views of its functions. This state of affairs has combined with the somewhat superstitious confidence of Americans in legal forms, to cover the face of the continent with an intricate network of often conflicting statute law, varying in force from Acts of Congress to resolutions of aldermanic Boards. If a hasty glance at the superficial simplicity of American constitutions might lead a stranger to undue confidence in the virtues of constitutional codification, a hasty glance at the incredible confusion of American legislation might equally mislead him into a belief that any country thus fettered must be virtually paralysed. The actual solution of the difficulty has hitherto been found, just as has been the case with constitutions, in the system under which the interpretation of statutes is confided to the Courts. Whatever the shortcomings of these bodies, they have usually been animated by a conviction that their duty is to keep the machinery of society in working order. If the wording of carelessly drawn, preposterous, or conflicting statutes can be stretched into practical consistency, the Courts may usually be trusted so to stretch it. If statutes prove utterly unpracticable, the Courts will commonly make this fact so clear as to induce repeal or amendment. In brief, what has saved America from the benumbing result of excessive legislation has again been the swift and luxuriant overgrowth of unwritten law.

Regarded from the philosophical, or scientific, or even from the technical point of view, this rapidly developed law of America is often far from sound. There have, indeed, been remarkable exceptions to this generalisation. Lemuel Shaw, for example, who was Chief Justice of Massachusetts towards the middle of the nineteenth century, has been

said to have done more than almost any other magistrate in the world towards adapting the old English law of partnerships to the rapid development of joint-stock companies, and the old law of common carriers to the new facts of railway transport. In general, however, such legal genius has been rare. The impression which results from wide reading of American law reports is, on the whole, that substantial justice and practical good sense are more frequent than one would have expected, but that the principles by which decisions are justified and the dicta in which they are often swathed are apt to be bewildering. Despite frequent lack of training, the American judiciary has generally been more than respectable in its devotion to duty, no less than in its sagacity. It has instinctively accepted its real office, which has been to establish and to preserve such order as should enable the community to manage its affairs prosperously. It has always remembered that, in so doing, it must pretend to base its decisions on principles presumed to be established. But, so long as a decision referred to these principles has proved momentarily efficient, it has rarely troubled itself much about their historic truth or their technical validity.

The state of law thus rapidly sketched persists. It is a natural development of the inevitable legal makeshifts to which America has been habituated from colonial times; and it has resulted in a general faith, almost amounting to superstition on the part of Americans in general, that the law may be trusted. Legislation, on the whole, is apt to be blindly radical; the Courts, on the other hand, are apt to be instinctively conservative. If this conservatism goes too far, legislation may temper it. If legislation in its turn goes too far, it may either be amended or — like some preposterous Acts, for example, concerning the sale of intoxicating drink — it may, without practical inconvenience, be suffered to fall into neglect. Like the Elizabethan English, from whom they can trace their national descent, the Americans are fond of lofty principles; like them again, they are eminently practical in their conduct of daily affairs; and — another point of resemblance — they are apt to trouble themselves very little concerning the logical harmony of edifying precept and efficient practice. The justification of their inconsistencies must be found, as is the case with that older England, in the thoughtless honesty with which they youthfully ignore them.

How natural such a temper must be in America will become more evident when we turn to the consideration of American philosophy. In its origin, as we have seen already, the philosophical thought of America was dogmatically religious. The colonists of Virginia, and even the more tolerant Quakers of Pennsylvania, were apt to be primarily men of affairs. The dominant class in early New England, on the other hand, was the Puritan clergy; and although, for almost two hundred years, they retained at least traces of the political energy which once came

near making the government of New England a legalised hierarchy, their deepest influence proves to have been theological. They not only preached orthodox Calvinism ; they reasoned it out to logical extremes hitherto unsuspected. They accepted its implications as unreservedly as they accepted its dogmas ; and they never admitted, even to themselves, that while the dogmas were originally based on observation of human life in corrupt old Europe, the conclusions which those dogmas involved bore little relation to the facts of human life in the comparatively simple and innocent society of provincial America. Medicean Europe, which Calvin contemplated, like the decadent Roman Empire of Saint Augustine's day, justified the conviction that human nature is totally depraved. The colonies which bred Franklin, with all his honestly admitted errors, revealed human nature in a far less deplorable aspect. All this the Puritan preachers ignored. Their wits, to the days of Edwards and beyond, were busy with the assumed realities which transcend phenomena. They lived their spiritual lives in regions beyond human ken. For them, more than for most men known to history, faith was truly the substance of things hoped for, the evidence of things unseen.

How susceptible Americans remained to the influence of ideal philosophy was evident in what is called "the Great Awakening" — the religious revival, associated with the name of Whitefield, which swept over the colonies about the year 1740. English Methodism never blazed so fiercely. A generation later came the newer influence of the full Revolutionary spirit. There can be no question that beneath this spirit, which has declared itself throughout the European world, there rests a dogma concerning human nature precisely contradictory to that on which orthodox Christianity has been based. The Church has everywhere assumed that human beings are fallen into a state so perilous that they can be saved only through the miraculous intercession of Christ. The Revolution, in France and everywhere, proclaimed that human nature is essentially good ; and that its errors and deformities have resulted only from the distorting presence of artificial institutions — Church and State. The logical conclusion from such a premise would be anarchy ; just as that which should logically follow from ecclesiastical dogma is despotism. What has averted anarchy in the America which eagerly accepted Revolutionary doctrine, is the ancestral habit of the nation to trouble itself far less than it supposes about the harmony between honestly accepted precept and assuredly prudent practice.

At the same time, such divergence cannot extend endlessly. And as the American mind began to accustom itself to the new conception of human nature which alone could justify its tendency toward republican institutions, many good men, saturated with the ideal habit of ancestral Calvinism, became aware that human nature, as observable in their comparatively simple country, was not so evil as their fully developed dogmas would have made them believe. The moment this perception

becomes distinct to any man, or to any body of men, a revision of creed becomes necessary, as a matter of honesty. From some such necessities have arisen the multiplicity of sects and the tendency to devout free thought which have been characteristic of America during the nineteenth century.

Sectarianism has pervaded the country. As each older faith has grown rigid, tending toward dogma and formalism, it has given rise to new heresies. The varieties of American Methodism, for example, are innumerable ; and a debased form of it has even given rise to the remarkable phenomena of Mormonism. In most cases this kind of sectarianism has hardly attained such intellectual dignity as to make it conspicuous in the history of philosophic thought. As was the case with the earlier theology, the most pregnant expression of the more cheerful philosophy which replaced it found voice in New England. The precise forms of philosophy and religion which flourished there have not, it is true, been generally accepted ; but the utterances which accompanied them have had far more influence than some of those who have most deeply felt it have been willing to admit.

During the eighteenth century the intellectual history of New England was comparatively insignificant ; it was, in the main, a story of stiffening tradition. With the nineteenth there came to that region a general reawakening which has been justly called a Renaissance. The bias of New England towards theology naturally gave this, in the beginning, a religious aspect. The first conspicuous evidence of it was the rapid conquest of Yankee pulpits by the buoyant heresies of the Unitarians. Of these the most memorable was William Ellery Channing. Of Calvinism he wrote, so early as 1809, in these terms : "Whoever will consult the famous Assembly's Catechisms and Confession will see the peculiarities of the system in all their length and breadth of deformity. A man of plain sense, whose spirit has not been broken to this creed by education or terror, will think that it is not necessary for us to travel to heathen countries to learn how mournfully the human mind may misrepresent the Deity." The means by which he believed that this misrepresentation could be corrected he subsequently summarised as follows. "We must start in religion from our own souls. In these is the fountain of all divine truth. . . . Here is our primitive teacher and light. . . . The soul is the spring of our knowledge of God." What Channing supposed the soul to be is not quite clear ; but there can be no doubt that he found its manifestation in something analogous to the voice of conscience and to the inner light of the Quakers. Nor can there be any doubt that the result of his teachings, or rather of the religious movement to which those teachings gave rise, was to substitute, in the chief minds of his time, the habit of seeking the truth for oneself, regardless of outward authority, in place of the older habit, which required submission to the arbitrary will of dogmatic divinity. In other words, the Yankee

Unitarians were disposed to be as logical in their inferences from the assumption that man is made in the image of God as their Calvinistic forefathers had been in their inferences from the dogma of total depravity.

The strength of the formal hierarchy in New England prevented this new individualism from revealing its disintegrating force for about a generation. It was not until 1832 that Ralph Waldo Emerson, who had succeeded to the pulpit which, a century before, had been held by the Mathers, resigned his office on the ground that the sacrament, which the Church expected him to administer, no longer interested him. The pitilessly individualistic idealism with which, for the rest of his long and admirable life, he prophetically replaced the teachings of orthodoxy, provoked, on the one hand, enthusiasm and, on the other, alarm. The enthusiasts, almost without exception believers in ideal philosophy, were apt at first to accept the name of Transcendentalists; freed from all restraint of dogma they sought truth, each for himself, in those refreshing regions of the mind where the range of speculation can never be limited by the troublesome intervention of observation or experiment. Their different vagaries are recorded in the *Dial*, in the history of the unsuccessful socialistic experiment at Brook Farm, in the absurdities of Bronson Alcott, in the fantasies of Henry David Thoreau, and in numberless utterances which are less generally remembered. Their tendency to idealism was the natural consequence of that intense ancestral idealism which had characterised Puritan theology; their remarkable innocence of life was the natural consequence of the simplicity which had characterised Puritan society; and their general optimism was widely acceptable to the temper of a continent which, throughout their time, was swiftly submitting to the theoretical authority of the self-satisfied generalisations of republican commonplace.

The very names of Emerson, Alcott, and Thoreau suggest what soon followed. Ideal individualism, unfettered like theirs, could not but express itself in practical efforts to reform the world. The rather comical aspect of these efforts, in their earlier manifestations, is admirably set forth in the opening pages of Lowell's essay on Thoreau. A little later they began to concentrate in the growing reform movement for the abolition of slavery, which ultimately so far harmonised with the inevitable progress of political history that the Abolitionists are now held, by a new and pious tradition generally accepted throughout the North, to have been almost inspired prophets.

The matters on which we touch here carry us beyond our range. They belong to the history not of American character but of American conduct. It is enough for the present to point out that a movement so deep and so complex as that which resulted in the Civil War was bound to involve great numbers of people by no means disposed to accept the philosophical freedom of thought amid which the chief utterances of practical reform had their origin. Such freedom, as we

observed in regard to Emerson, was bound to provoke reaction in any minds predisposed to conservatism. To this somewhat alarmed reaction may be traced a tendency, still strong among Americans of a religious turn, toward the willing acceptance of ecclesiastical systems generally foreign to the freedom of their earlier traditions. For example, in New England and indeed throughout the country, the strength of the Protestant Episcopal Church has tended, for half a century, steadily to increase; and so has that of the Church of Rome.

Independent America, of which we have now attempted to ascertain the legal and the philosophic temper, has displayed from the beginning of the Revolution a somewhat sensitive consciousness of nationality.

This was nowhere more evident, at first, than in the efforts made by Americans, almost as soon as their national existence was assured, to enrich their country with a literature of its own. During colonial times there had been a good deal of publication in America; but little of this had been literary in character. The American writings of the seventeenth century, mostly produced in New England, had been chiefly theological; those of the eighteenth century, before the Revolution, had been chiefly political or historical. Such American work as had taken literary form had been frank and rather amateurish imitations of more or less fashionable English models. That America, as such, possessed anything resembling a native literature had never occurred to anybody.

Accordingly, when certain patriotic Americans set themselves to the task of creating such a literature, their efforts might have been expected to be vigorously uncouth. The voice of a newly-born republic, established in a continent still mostly wilderness, might naturally have possessed a wild melody of its own; but no one would have predicted for it any special grace of modulation. A certain consciousness of this presumption probably combined with the conservative instinct so characteristic of Americans to make the beginning of their literature rather deliberately formal. Literature, those who then wrote were apt to feel, was essentially an expression of high civilisation; whoever would aspire to literary distinction must therefore prove himself, to begin with, highly civilised; and the prime evidence of high civilisation is an impressive manner. Accordingly, the chief characteristic of literature in America for many years was punctilious care for form; and indeed this kind of care has persisted in America to this day. It is instantly evident when we remember that the species of literature in which Americans have proved most successful is the short story, the merit of which depends so manifestly on formal precision. The tendency which bore its first fruit in the short stories of Irving subsequently made itself felt in other ways; as a tendency, however, it has been evident all along.

Even before the Revolution some clever young men in Connecticut had begun to publish essays, fashioned after the *Spectator* and its

successors, and poems modelled on the verse which had been fashionable in England from Butler's time to that of Pope and Churchill. During the Revolution and the years which followed this little group, commonly remembered as the "Hartford Wits," burst into the first literary efflorescence which foretold the coming literature of their country. They were all graduates of Yale College; all men of character, wit, ability, and accomplishment; and all eagerly enthusiastic. But none of them had much originality; and, although their poems and satires were creditably imitative, they revealed, in the end, nothing more than that Americans could imitate skilfully. Except as matter of literary history, they have long been neglected and forgotten.

The writer who is now commonly regarded as the earliest professional man of letters in America flourished a very little later. *Wieland*, the first novel of Charles Brockden Brown, was published in 1798. Before his premature death in 1810, Brown had produced several more works of darkly romantic fiction. His general model was Godwin's *Caleb Williams*. In his effort to preserve a definite point of view by means of autobiographic narration, he was apt to make his plots so intricate that they became bewildering. But his writings, even after a century, possess two or three vital merits; he had a deep sense of the horrors which lie in the mysterious regions beyond human ken — a sense naturally involved in the speculative idealism so characteristic of his country; he was able, at the same time, to write vivid descriptions of actual nature and of certain grim aspects of fact, particularly of the terrors of pestilence; and his style, despite its crude grandiloquence, possessed a remarkably felicitous accuracy of rhythm.

Brown, like the "Hartford Wits," has hardly survived except historically. Washington Irving, whose first books appeared before Brown's death, is read to-day. His early work was broadly humorous, foreshadowing the later humour of America, which inextricably intermingles plain statements of fact with extravagant nonsense. Two years later he began to produce another kind of work, and one more deeply characteristic, in the essays and the short stories of the *Sketch Book* and the similar works which followed. They express, with admirable amenity, that delight in romance, whether the romance be of mystery or of an illimitable past, which has been so frequent in the superficially prosaic and new America of the nineteenth century. His later work, which persisted until his death in 1859, was apt to be professedly historical; but whether he was dealing with Columbus, or with Goldsmith, or with Washington, he wrote history rather in the temper of a romantic man of letters than in that of a scientific scholar. What keeps him alive is not so much what he said as the manner in which he said it. With all the romantic enthusiasm of his own time he combined a formal grace of style hardly equalled in England after his model Goldsmith had laid down his pen.

Fenimore Cooper, Irving's still more popular contemporary, began writing some ten years later than he, and enjoys to this day the distinction of being the only American novelist whose works, taken as a whole, have an assured place in the literature of the world. The general similarity of his method to that of Scott, so often remarked, has somewhat obscured his positive merit. He never approached Scott either in mastery of character or in careless command of style. Among eminent American writers, indeed, Cooper remains the one whose style, taken by itself, is the most cumbrous and faulty. His admirable knowledge of nature, on the other hand, in those two different aspects which are most universal — forest and sea — has combined with his manly purity of temper to make his better work at once permanently memorable and deeply expressive of the youthful and vigorous age during which he flourished.

Cooper lived until 1851; Irving until 1859; and their chief poetical contemporary, William Cullen Bryant, survived until 1878. But Bryant's work, like that of the others, was so far complete by 1832 — the year of Scott's death — that we may fairly consider him, with them, as representative of the state of literature in America during the first third of the nineteenth century. His later verse sustained the reputation which his earlier verse had won him, but added no new feature to his poetic individuality. He was calmly romantic, sentimentally melancholy, and punctiliously polished. He was free from all extravagance, and innocently unconscious that his gentle self-restraint often kept him within the bounds of commonplace. Poetry, he maintained, should be "always simple and always luminous." Whatever his defects in respect of sensuousness and passion, he was never intricate or obscure; nor was he wanting in a certain deliberate grace which has stood the test of time.

It has seemed desirable thus to define the chief earlier writers of the Middle States because their work comprises the whole achievement of American letters during the period which began in England with the publication of the *Lyrical Ballads* and closed with the death of Scott. Naturally they were not solitary. Even such comparatively unimportant achievements as theirs must always involve considerable literary activity. The New York in which they lived produced many less eminent makers of prose and of verse, and many magazines in which these ephemeral authors found fleeting vehicles of expression. In 1833 the *Knickerbocker Magazine*, on the whole the most important of them, was founded. It lived for about thirty years, to be succeeded by other magazines, more highly developed, several of which are still in existence. Throughout its career, it published the best work of America; but, on looking back, we may fairly say either that this work was a gently decadent form of such literature as reached its height in the hands of Irving, Cooper, and Bryant, or else that, with the single exception of Edgar Allan Poe, it proceeded from New England.

Poe was an erratic, sporadic man of genius, whose restless life was never closely associated with any particular part of the country. He has been claimed by New England because he happened to be born in Boston, and by the South because he was adopted by a gentleman of Richmond. On the whole, so far as one may classify him anywhere, he seems most in place among the writers of the Middle States. His genius was of the kind which involves meretricious individuality; he was essentially histrionic; he could not be honestly himself without a touch of conscious affectation. But he had at once a deep sense of rather melodramatic horror, which makes his tales extraordinarily stirring, and an intuitive sense of form peculiarly his own. This gives admirable precision both to the outline of his tales and to the rhythm and cadence of his haunting style. In his poems, meanwhile, there is a kind of lyric quality different from any to be found elsewhere, a fantastic melody which has made many who love art for art's sake rate him among the truly great. But if it is asked what he really had to say, the answer must be the same as that to any similar question concerning Bryant, or Cooper, or Irving, or Brockden Brown; namely, not much. For the more serious literature of America we must turn to the New England which was contemporary with Poe.

We have already seen how the general awakening of national consciousness which followed the Revolution had aroused eastern New England to the assertion of a new theology. During the years when Irving and Cooper and Bryant were making literature in New York, the Unitarian movement was taking possession of the old Boston pulpits. It is a striking coincidence that the year in which Emerson resigned his ministry, for want of sympathy with the sacrament — an act which marks the date when religious philosophy attained unfettered freedom in New England — was that very year 1832 in which Scott died, and in which Bryant published at New York the first important collection of his poems. At that time the pure literature of New England was hardly in existence; but there were already other tendencies, besides the philosophical, which indicated what it was soon to be.

Of these the earliest to declare itself was the school of oratory which developed itself in Boston. Throughout America, to be sure, the popular appetite for public speaking has been unusually large; but in New England the ancestral habit of listening to sermons was more deeply rooted than elsewhere. Accordingly the lay sermons with which the orators of revolutionary times and of the succeeding century replaced the theological discourses of earlier days were received in New England with special eagerness; and the masters of rhetoric who discoursed there seem, on the whole, not only the most accomplished of all, but also the most broadly typical of what American oratory has been. The chief of these orators was Daniel Webster, equally eminent as an advocate, as a parliamentary debater, and as a maker of elaborate occasional orations.

The simplest feature of his complex character was a patriotic devotion to the Constitution of the United States, so fervent as to resemble the religious enthusiasm of Puritan days; and his chief utterance of this was perhaps his famous *Reply to Hayne*, published in 1830, only two years before Emerson's withdrawal from the pulpit of the Second Church of Boston. With all Webster's patriotic fervour, his utterances now seem rather innocently artificial; they are clearly modelled on the masterpieces of Parliamentary oratory in the eighteenth century, which in turn were modelled on the oratorical masterpieces of Cicero and Demosthenes. They have, at the same time, a passionate yet controlled sincerity which marks them as his own. Similarly individual are the more coolly elaborate orations which laid a firm rhetorical basis for the widely useful public career of Webster's most eminent Boston contemporary, Edward Everett. The school of oratory which these two masters exemplify was numerous, and persisted long. Its later formal master was Rufus Choate, whose achievements at the bar are still fresh in the public memory, though he has been dead for more than forty years. The somewhat demagogic speakers who stirred anti-slavery sentiment, with what seemed to conservative minds a reckless disregard of truth, sprang from the same rhetorical stock. The species of oratory which reached its height in the patriotic eloquence of Webster was the same which declined in the virulent diatribes of Theodore Parker, Charles Sumner, and Wendell Phillips.

Meanwhile, almost from the time of the Revolution, another kind of activity had also declared itself in Massachusetts. Harvard College, the oldest of American universities, had been founded there as early as 1636; but for rather more than two centuries it did little more than preserve, with admirable fidelity, the tradition of classical and mathematical scholarship. When the awakening of national consciousness began to stir Harvard men, it excited them towards fresher kinds of learning. They began to found learned societies, libraries, and periodicals, some of which still exist. For more than a century the American Academy of Arts and Sciences and the Massachusetts Historical Society have maintained, each in its own way, a standard of learning which will bear comparison with the best. The Boston Athenaeum, founded about 1815, is now a library of positive and growing importance, from which has indirectly sprung the still richer and more widely-known Public Library of Boston, the model on which have been formed the numerous public libraries now so general in the United States. The *North American Review*, until it passed into commercial hands and was transferred to New York, maintained for many years in Boston a standard analogous to that of the *Edinburgh* and the *Quarterly Reviews* in England.

From the influences thus concentrated sprang, by the middle of the nineteenth century, a school of historical writing which has won more than local recognition. Its first eminent master was William Hickling

Prescott, whose work dealt with the Spanish conquests of America, and subsequently with the later history of Spain. Its next leader was John Lothrop Motley, whose chief subject was the assertion of liberty by the Dutch, in their conflicts with the Spaniards. But the most accomplished member of this school was Francis Parkman, whose work, persisted in for fifty years despite incredible physical obstacles, records, perhaps definitively, the struggle in America between the constitutional system of England and the more arbitrary system of continental Europe, as embodied in the Canadian colonies of France.

Among the earlier writers of history in New England none had more permanent influence than George Ticknor; but this influence was not primarily due to his writings. His principal work is a History of Spanish Literature, never very widely read. His principal activity, so far as popular memory goes, was the generous part which he took in the foundation of the Boston Public Library. But what seems now his most important contribution to the intellectual life of his country was the work which he conscientiously did for many years as Smith Professor at Harvard College. The chair, of which he was the first tenant, was founded to promote a study at that time almost unknown in America — the study of modern literature. He began his teaching in 1819; by 1835, when he resigned his professorship, the facts of modern literature were generally familiar to New England. A year later he was succeeded, at his own suggestion, by Longfellow, who held the chair until 1854; by that time New England not only knew what modern literature was, but eagerly enjoyed it. Longfellow was succeeded by Lowell, who, at least nominally, remained Smith Professor until his death in 1891. In his time New England learned not only to enjoy modern literature but critically to appreciate it. Since 1891 the chair has remained vacant.

The names of Henry Wadsworth Longfellow and of James Russell Lowell are among the most eminent in the roll of literary men who flourished in New England during this epoch; and the fact that both these men were professors of *belles lettres* in the oldest of American universities throws light on the nature of the literature which they made and which was in making about them. It was essentially an expression of the effect produced on the native American mind, when, deeply imbued with the ideal traditions of its country, it awakened at once to national consciousness and to sympathetic knowledge of what world-literature had achieved elsewhere. Hardly in existence before 1832, this Renaissance of New England was virtually complete when Nathaniel Hawthorne died in 1864. Though many of his contemporaries long survived him, none added any new feature to the characters which had been adequately expressed during his lifetime. We have already touched on the buoyant and vagrant idealism of Emerson and on the less inspiring individualism of Thoreau. Thoreau, even more memorably,

expressed the consolation and the sedate pleasure which may be found in the contemplation of nature even in rugged New England. John Greenleaf Whittier, so well known as the impassioned and sincere poet of anti-slavery enthusiasm, was more noteworthy still as another exponent of the peculiar charm which lurks beneath the rude face of the Yankee country. Mrs Stowe's *Uncle Tom's Cabin*, which had flashed the horrors of slavery into the upper consciousness of the philanthropic world, had been succeeded by tales which, with the same careless admixture of genius and commonplace, had recorded the traditional society of earlier New England. Longfellow, with gentle amenity, had revealed to America the innocent charm which hides the murky depths of old-world literature; beyond anyone else he had translated the beauties of other languages into the simple tunes of his country, leaving his native air the sweeter for his song. Lowell, sympathetic at once with humanity and with the humanities, had proved himself the chief humanist of the Renaissance in New England; and meanwhile had made those quaint political satires which raise a doubt whether he was more remarkable as a satirist or as interpretative critic. Oliver Wendell Holmes had written excellent occasional poems and some of those uniquely garrulous essays, which beyond anything else express the humour and the kindly rationalism of his time; they have their grimmer side as well, when one comes to understand the bravery of his lifelong struggle against the haunting horrors of Calvinistic dogma. And Hawthorne, the most deeply artistic of all, had beautifully recorded, in his own exquisite and tender style, the native temper of the country which, during his time, was finally emerging from the benumbing self-consciousness of ancestral Puritanism.

These names, perhaps the most memorable in the record of New England letters, probably imply most of the tendencies which found expression there. But many more people were writing at the same time. Much of the work in question may be found in the earlier volumes of the *Atlantic Monthly*, which was founded in 1857. It remains to this day the chief vehicle of literature in New England; and it has never swerved from its standard intention to publish nothing but what has been honestly meant and excellently phrased. In the earlier days, its most eminent editors were Lowell and Fields, men of widely different characters, but both of them native Yankees, full of instinctive sympathy with what was most deeply characteristic of their country. It is significant of what ensued in New England that their two most eminent successors in the control of the *Atlantic Monthly* have been neither New England men, nor, for all their admirable devotion to literature, completely at ease in New England surroundings. And it is hardly excessive to say that, so far as pure letters go, New England has not subsequently produced any writers of much more than local importance.

In brief, the literature of New England may be regarded, for the moment, as complete. For nearly two hundred years the region had

been defining its native character under the rigid influence of Puritan theology. When the Revolution awakened it to its final sense of nationality, the strength of formal Puritanism was broken. A certain disintegration ensued. So long as the generations were alive which had grown to consciousness under the conservative influences of the older time, the expression of New England retained at once the idealism and the aspiration toward ideal excellence, of every kind, which had been the saving grace of the Fathers. Then, in course of time, Unitarianism lapsed into uncontrolled freedom of devout thought, and so into such vagaries that, as we have seen, prudent folk have been apt to recoil into the arms of Churches more rigidly ecclesiastical than those of their forefathers. So, while the literature of New England once seemed a prophecy of some newly-enfranchised future, it is beginning to reveal itself rather as the record of an ideal and innocent past. And, all the while, the disintegrated region from which it sprang has been tending to lapse more and more into provincial isolation.

The subsequent literature of America is contemporary. Its chief centre is undoubtedly New York, where the principal publishers of the country are now settled, and where the most widely circulated magazines are established. It is hardly excessive, however, to say that the only writer, no longer living, who has achieved in that region a reputation comparable with that achieved by the eminent writers of New England is Walt Whitman. To many, particularly abroad, he appears deeply and prophetically American. To most Americans his rude eccentricities of thought and phrase appear so far from characteristic of their country, that, while admitting him to possess some touch of genius, they are apt to think of him as a sporadic anarchist. To name the writers and to discuss the literary tendencies of the present day would be out of place here. Of the numberless writers of local short stories who have sprung up throughout the country, none has yet surpassed the first to declare himself — Bret Harte, who so vividly set forth certain picturesque aspects of the American conquest of the Pacific slope. Like him, the most popular living American writers have generally emerged from the ranks of popular journalism.

It is hard to summarise the modern American temper; and it is harder still to summarise the literary history at whose course we have so hastily glanced. Yet, on the whole, this seems analogous to the legal and the philosophical history on which we touched before. The country whose thoughts and aspirations it has expressed is a country animated by more than common devotion to ideals — the conceptions which are matters not of knowledge, but of fervent faith. It is a country, at the same time, which has been brought by historical necessity face to face with innumerable practical questions, which have had to be settled swiftly. Its precept has consequently soared above its practice, until to strangers it may well seem hypocritical. Its saving grace has been

that it retains a spiritual honesty, like that of Elizabethan Englishmen, which has kept unbroken its perhaps mistaken confidence in its own essential integrity. In earlier days the ideals were perhaps more frequently asserted than now; for, at least since the great national convulsion of the Civil War, Americans have been forced, by circumstances beyond human control, to devote their chief energies to the practical solution, in the simplest attainable way, of questions which, if they had paused to master their complexity, might have proved almost paralytically appalling. So meanwhile, very naturally, their literary expression has tended, on the whole, to rather journalistically precise and vivid statements of something resembling fact.

In fine arts other than that of literature America has not yet found very characteristic expression. Its sculpture and its painting have been so far modelled on the contemporary work of Europe that the only American sculptors or painters who have attained high excellence have generally been resident abroad.

Something similar is true of music in America. Of late years, particularly in Boston, New York, and Chicago, America has had orchestras of admirable quality. It has also many respectable schools of music; and the standard of musical art, in general, has become more than respectable. But American musical life and expression have not yet assumed any tangibly national character, such as one feels, for example, in the music of Italy, of Germany, of France, or of Russia. Neither performers nor composers differ much from well-trained performers and composers elsewhere. When America desired a national march for the Centennial Celebration of the Declaration of Independence, Richard Wagner was invited to write it; and the performance of it was intrusted to musicians who were mostly of German birth. What was true twenty-seven years ago remains on the whole equally true to-day.

With architecture the case is different. In later colonial times, American buildings, though generally constructed of wood, and always lighter in material than the monumental buildings of Europe, had often exhibited a certain delicacy of proportion which renders such of them as still exist agreeable examples of the pseudo-classic style general throughout the eighteenth century. The earlier buildings of the independent Republic, such as the State House in Boston, and the White House and the original Capitol at Washington, preserve, on a somewhat more pretentious scale, much of this charm. In the United States, as in England, there succeeded a period of architecture from which all trace of fine art seemed to have departed; and when, about the time of the Civil War, some signs of an artistic revival appeared, its first efforts, particularly in public buildings, were singularly unfortunate. Within the last thirty years, on the other hand, something resembling a true architectural renaissance has declared itself in America. The great increase of wealth

in the country has combined with various new conditions of life to demand from trained architects something like actual novelties — things for which there is no precise precedent elsewhere; and American architects, though generally trained in European schools, have shown, in adapting themselves to these conditions, great and increasingly flexible intelligence.

In accordance with the new demands of their country, they have developed various types of building which are, at this moment, at least so far successful, that to an American who visits Europe contemporary architecture in the Old World is apt to appear comparatively lifeless. Recent private houses in America display an opulent spaciousness, and at the same time an intelligent adaptation to the conditions of the life that they are designed to serve, which are seldom apparent in modern private houses in Europe. American churches are comparatively unimportant, conventional, and inconspicuous; for the moment, the most earnest enthusiasm of American ideals is somewhat distracted from religion. On the other hand, the schools, the libraries, and the hospitals of America, together with the civic buildings which are rising everywhere, show increasing dignity, beauty, and impressiveness. At the same time, the commercial conditions of the country, which require, in the larger cities, light and strong structures of great height, have encouraged new methods of construction, in which steel frames are masked by a screen of ornamental masonry, which promise ultimately to achieve a peculiar grandeur of architectural effect. It seems more than possible that, before long, the decorative arts of painting and of sculpture may adapt themselves to these new architectural conditions.

The same tendency towards flexible adaptation of effort to practical necessity which has displayed itself in American architecture may be said, on the whole, to characterise American science. It is a commonplace that Americans are apt inventors; and it appears to be an acknowledged fact that the economic success of the United States has been most pronounced in the industries which can be most readily advanced by labour-saving mechanical devices. American machinery is far more remarkable than American handiwork. The temper of the country still recoils from that kind of patient self-effacement without which the highest personal skill is out of the question.

Accordingly, though Americans have been by no means neglectful of pure science, the ablest minds in the United States have always been, and still are, for the most part, directed rather towards the needs of applied science, and the consequent rewards which they offer. From Franklin's time to our own, there have been in America plenty of applications of scientific knowledge, and more than a few extensions of such knowledge in directions where this extension may prove of practical or of humanitarian use. But America has still to wait for a thinker who shall

take his place, in the realm of scientific thought, with the deathless masters of the Old World.

The practical character of American science has given rise, throughout the country, to a number of schools specially devoted to the higher scientific training. Schools of law and medicine and scientific laboratories abound; hardly any of the numerous universities which, with widely varying standards, maintain everywhere at least the form of the higher learning, is without these adjuncts. But perhaps the most significant fact concerning American education to-day is that which must instantly impress the eye of any traveller from the Atlantic to the Pacific. In Europe, the architectural structures which attract attention are usually churches, castles, or buildings connected with some phase of government. In America the most conspicuous structures are, as a rule, the schools and the public libraries.

This difference implies a deep contrast between the instinctive faith which, throughout the centuries, has animated the Old World and that which, for the moment, is most blindly cherished in America. From the days of Rome itself, the more serious imagination of Europe has been most deeply stirred by religious influences, which found architectural expression in the churches dominating almost every town. This predominance may, no doubt, be passing away; but the traces of it remain everywhere. In America, a faith in the saving grace of education seems more deeply rooted than even religion itself. And this faith finds expression, not only in the architectural facts so apparent to any eye, but in the vast sums which throughout the country are frequently given for the foundation or the support of schools and universities and libraries.

Such enthusiasm as this has naturally given rise to a state of affairs perhaps unprecedented in educational history. Elsewhere education has generally been a matter either of tradition or else of alertly intelligent reform. In America it tends — as religion has sometimes tended in the Old World — to become a matter of unintelligent formalism. A typical incident occurred at San Francisco during the summer of 1901, when the Philippine Islands had just come, for better or worse, under American control. At that moment hundreds of half-trained public school teachers, men and women alike, crowded into the transports which were to carry them to Manila, with a spirit as devoted, and a belief in their calling as absolute, as that which animated the crusaders of Peter the Hermit.

In short, the nation that we are trying to understand is a nation whose most prominent characteristic at this moment is its superstitious devotion to education. What is necessary is that this devotion shall be enlightened and directed. Those leaders are probably right who maintain that the chief service which can be rendered to the country

in the years immediately to come will be rendered by those who shall correct educational errors and wisely guide educational progress.

Our main reason for this hasty glance at American education is its significance in the question of American character. As we have seen, the native character of the Americans may be traced to that phase of English character which was most potent in the days when the American colonies were founded. The original divergence between the English character and the American occurred in days when mature men were still of Elizabethan birth. And throughout the course of their national history, Americans have never quite lost the wonderful old Elizabethan fusion of firm faith in ideals with versatile and swiftly sensible management of practical affairs. In ideal philosophy, they still seek the simple essentials of truth; in practical life, they still show a tendency to do, simply and instinctively, the essential thing; and in the simplicity of heart which is still theirs, they never quite understand how far from consistent their lofty phrases and their work-a-day deeds may seem to unsympathetic observers. Thus, in their own way, the educational leaders of America may be taken, at this moment, as among the most characteristic figures whom the country has as yet produced. For, however they may differ concerning all manner of detail, they are agreed in faith that education should be a fearless search for truth; that the truth, honestly proclaimed, will make life on earth better and better; and that the best way to discover and proclaim truth is to open to all who can use them the fullest resources of learning. In which buoyant faith, though often obscured by the superstitious errors of the moment, there glows a deep belief in the ultimate excellence of human nature, which, throughout the continent, has paled, for a while, the blaze of Calvinistic fire, as the sunlight pales the flames that flicker, in darkness, above burning coals.

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CHAPTER I

THE FIRST CENTURY OF ENGLISH COLONISATION

AND

CHAPTER II

THE ENGLISH COLONIES (1700–1763)

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CHAPTER III

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CHAPTER IV

THE CONQUEST OF CANADA

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CHAPTER VII

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CHAPTER VII

THE WAR OF INDEPENDENCE

(*See above, under Chapter V.*)

CHAPTER VIII

THE CONSTITUTION

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CHAPTER IX

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CHAPTER X

THE WAR OF 1812

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THE GROWTH OF THE NATION

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CHAPTER XII

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THE CIVIL WAR

CHAPTER XVII

THE NAVY IN THE WAR

AND

CHAPTER XVIII

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CHRONOLOGICAL TABLE

OF

LEADING EVENTS

1492 Columbus discovers the West Indies.
1497 Cabot discovers Newfoundland.
1513 Balboa discovers the Pacific.
1520 Magelhaens passes the Straits.
1521 Cortes captures Mexico.
1533 Pizarro enters Cusco.
1534, '35, '41 Cartier's voyages to Canada.
1540 Roberval's voyage. French fort planted at Quebec.
1562 The French occupy Port Royal.
1576, '77, '78 Frobisher's voyages to the North.
1577 Sir Humphrey Gilbert obtains a general patent of colonisation.
1577-80 Drake's voyage round the world.
1578 Gilbert's first expedition.
1583 Newfoundland occupied by Gilbert.
1584 Sir W. Ralegh obtains a charter.
—— Amidas and Barlow land in North Carolina.
1585 Grenville's expedition to Virginia.
—— Gilbert's second expedition.
—— Ralegh in Guiana.
1585, '6, '7 Davis's voyages to the North.
1587 First English colony planted in Virginia.
1595 Ralegh again in Guiana.
1603-4 Champlain's first voyage.
1605 French settlement at Port Royal in Acadia.
1606 Expeditions of Sir Ferdinando Gorges. Virginia Company created.
1607 Colony planted in Virginia.
1608 First permanent French colony planted in Canada. Quebec founded.
1617 Ralegh's last expedition to Guiana.
1619 Slavery introduced in Virginia.
1620 Dutch trading-station established in New Netherlands.
—— Virginia Company re-organized. Calvert's colony in Newfoundland.
—— The Pilgrim Fathers found a colony at New Plymouth.
1627 The Company of New France and the Company of the Isles of America established.
1629 The Governor and Company of Massachusetts Bay obtain a charter.
—— Sir R. Heath obtains a grant of land afterwards called "Carolina."

1629 War between England and France. Surrender of Quebec.
1632 Canada and Acadia restored to France by Peace of St Germain.
1633 Settlement of Connecticut formed.
1634 Cecilius, second Lord Baltimore, founds colony of Maryland.
1635 Consolidation of small settlements into colonies of New Hampshire and Maine.
1637 Foundation of Harvard College.
1638 Colony of New Haven formed.
1640 English settlements on Long Island and on the Delaware.
1641 Foundation of Montreal.
1643 Federation of Massachusetts, Connecticut, New Haven, and Plymouth.
—— Providence Plantations incorporated.
1647 Rhode Island formed by combination of settlements.
1651 Massachusetts annexes Maine.
1657 Landing of the Quakers: Acts passed against them.
1663 Colony founded in Carolina.
1664 Colbert's Company of the West created.
1665 Colony of New Jersey constituted. Connecticut and New Haven united.
—— War with Holland. Occupation of New Netherlands.
1667 New Netherlands ceded to Great Britain by Peace of Breda.
1671 French occupy lands about Lake Superior.
1673 War between England and Holland. New York recovered by the Dutch.
1674 Transfer of French colonies from Company of the West to the Crown.
—— New Netherlands restored to England by Peace of Westminster.
1681 La Salle sails down the Mississippi, and calls the valley Louisiana.
1682 Colony of Pennsylvania formed.
1683 French colony of Louisiana planted.
1686-8 Disturbances under government of Sir Edmund Andros.
1688 Revolution in England.
1689 Rebellion of Leisler.
1692 Acadia annexed to Massachusetts.
1697 Acadia restored to France by the Treaty of Ryswick.
1701 Foundation of Yale College.
1702 War of Spanish Succession begins. Mather's *Magnalia* published.
1704 First American newspaper published at Boston.
1713 Acadia (Nova Scotia), with Newfoundland and Hudson's Bay, ceded to England by Treaty of Utrecht.
1717 Company of the Indies formed by amalgamation of Company of the West with French East India Company.
1720 First settlement in Vermont.
1730 Commencement of migration into Kentucky.
1733 Colony of Georgia formed.
1734 The Great Awakening" in New England.
1739 War with Spain.
1740 Oglethorpe invades Florida.
1744 War with France. Capture of Louisbourg.
1748 Louisbourg restored to France by treaty of Aix-la-Chapelle.
—— Ohio Land Company formed.
1749 French intrigues in Acadia and on the Ohio.
1753 The French occupy the Ohio valley.
1754 Washington's fight at Great Meadows.
1755 Deportation of the Acadians.
—— Destruction of Braddock's force by French and Indians.
1756 War between England and France. British operations under Lord Loudon.
1757 Capture of Fort William Henry and massacre of British garrison.
1758 Amherst captures Louisbourg.
1759 Capture of Quebec. Death of Wolfe.
1760 Capitulation of Montreal. Occupation of Canada.

1761 Trouble over Writs of Assistance.
1762 Louis XIV cedes to Spain New Orleans and Louisiana west of the Mississippi.
1763 Treaty of Paris cedes Canada with Cape Breton and Ile de St Jean (Prince Edward Island) to England. Spain also cedes Florida.
1764 Grenville's Act modifying the Sugar Act.
1765 Passing of the Stamp Act. Stamp Act Congress in New York.
1766 Repeal of the Stamp Act. Passing of the Declaratory Act. Chatham Ministry in England.
1767 Imposition of duties on tea and other commodities.
1768 Seizure of the *Liberty*. Resignation of Chatham.
1770 The "Boston Massacre." Lord North Prime Minister.
1772 Burning of the *Gaspee*.
1773 Boston Tea Riot. The Hutchinson Letters.
1774 Boston Port Bill and Quebec Bill. Meeting of first American Congress.
1775 Chatham's motion for conciliation. Battle of Lexington.
—— Second American Congress. Washington made Commander-in-Chief.
—— Battle of Bunker Hill.
1776 Declaration of Independence.
1778 Treaty between France and the United States. Death of Chatham.
1779 Spain joins France.
1780 Holland joins France. Armed Neutrality of the North.
1781 Cornwallis capitulates at Yorktown.
1783 Treaty of Paris. Recognition of American Independence. Loyalists leave New York for Canada.
1787 Constitutional Convention: Constitution published.
1788 The Constitution generally accepted.
1789 The Constitution comes into force.
—— Washington and Adams inaugurated President and Vice-President.
1790 Rhode Island accepts the Constitution.
—— Philadelphia selected as seat of government for ten years.
1791 Bank of the United States chartered. First ten Amendments come into force. Vermont admitted.
1792 Washington re-elected President. Kentucky admitted.
1793 Washington issues declaration of neutrality in war between France and the Allies. Invention of the cotton-gin.
—— British Government issues Order in Council prohibiting neutral trade with French colonies. Republican and Federal parties so called.
1794 Second Order in Council issued against neutral trade. Jay's Treaty with Great Britain.
1795 Treaty with Spain defining southern boundary of United States.
1796 John Adams elected President. Congressional Caucus begins. Tennessee admitted.
1797 Special envoys appointed to treat with the Directory.
—— Publication of the "XYZ despatches."
1798 War with France begins.
—— British Order in Council forbidding direct trade between France, Spain, and the Netherlands, and their colonies.
1799 Great Britain declares coast of Holland under blockade. System of "broken" voyages adopted. Death of Washington.
1800 Treaty with France, annulling the Treaty of 1778.
—— Secret treaty between France and Spain, retroceding Louisiana to France.
1800 Congress meets at Washington. Jefferson elected President.
1802 United States at war with Tripoli. Ohio admitted. Peace of Amiens.
1803 Purchase of Louisiana from France. War renewed between France and Great Britain.
1804 Great Britain blockades Ports of Guadaloupe and Martinique. Blockade extended to Straits of Dover and English Channel. Jefferson re-elected President. Twelfth Amendment adopted.

1805 Admiralty decision against "broken" voyages.
1806 Non-importation Act signed by President.
—— Napoleon issues Berlin Decree laying British Isles under blockade.
1807 *Leopard* and *Chesapeake* affair. Third Order in Council issued. Napoleon issues Milan Decree. Embargo Act passed by the U. S. Invention of the steamboat.
1808 Madison elected President.
1809 Embargo Act repealed and Non-Intercourse law enacted.
1810 Rambouillet Decree. Macon's Bill passed as a retaliatory measure. Revolutions in Venezuela, Paraguay, Mexico, etc. West Florida occupied.
1811 Affair of the *Little Belt*. Revolution in Peru.
1812 War with Great Britain. Recall of Orders in Council. Hull invades Canada.
—— American naval successes. Madison re-elected President. Louisiana admitted.
1813 Action of the *Chesapeake* and *Shannon*.
1814 Battle of Lundy's Lane. Capture of Washington. Peace of Ghent.
1815 British disaster at New Orleans. Second Peace of Paris.
1816 Monroe elected President. Buenos Ayres and Argentine Republic declared independent. Indiana admitted.
1817 Mississippi admitted.
1818 Independence of Chile proclaimed. Convention with Great Britain (Fisheries). Illinois admitted.
1819 Florida Boundary Treaty with Spain. Alabama admitted.
1820 The "Missouri Compromise." Missouri and Maine admitted. Monroe re-elected President.
1821 Independence of Peru proclaimed.
1822 Independence of Spanish South American Colonies recognised by United States.
1823 Enunciation of Monroe Doctrine.
1824 Protection Bill passed. John Quincy Adams elected President.
1825 Erie Canal finished. National Republicans and Democratic Republicans so called.
1826 Murder of William Morgan. Rise of the "Anti-Masons" party.
1828 "Tariff of Abominations" passed.
—— Calhoun's "South Carolina Exposition" published.
—— Jackson elected President.
1829 "Walker's Appeal." Nat Turner's Insurrection. Abolitionist movement started by Garrison.
1830 Hayne and Webster debate. Nullification movement in S. Carolina.
1831 The *Liberator* founded by Garrison.
—— Baltimore and Ohio Railway opened.
1832 South Carolina declares Tariff Acts null and void.
—— Revenue Collection Bill or Force Act passed.
—— Jackson re-elected President.
1833 Clay's Compromise Tariff Act passed.
—— Jackson re-elected President. The "Pet Banks" and the surplus.
—— American Anti-Slavery Society formed.
1836 Texas declares itself independent. "Gag" rule adopted in House of Representatives.
—— Van Buren elected President.
1837 Michigan admitted. Canadian rebellion. The *Caroline* affair.
1839 The "Liberty" party formed.
1840 "Log-cabin" agitation. Harrison elected President.
1841 Death of President Harrison. Tyler becomes President. Dorr Rebellion in Rhode Island.
1842 Webster-Ashburton Treaty. Frémont's explorations towards the Pacific.
1844 Polk elected President. Triumph of the Democrats.

1845 Texas admitted into the Union. Florida admitted.
1846 War with Mexico. Battle of Palo Alto. Wilmot's Proviso introduced and defeated. Iowa admitted. Treaty with Great Britain (Oregon).
1847 Battle of Buena Vista. Occupation of Mexico. Calhoun's resolutions (slavery).
1848 Treaty of Guadalupe Hidalgo cedes New Mexico, California, and Texas to the United States. Wisconsin admitted. "Hunkers" and "Barn-burners." Free-soil party formed.
—— Discovery of gold in California. Taylor elected President.
1850 Clay's Plan of Compromise passed. "Squatter Sovereignty" proclaimed.
—— Death of Calhoun. Clayton-Bulwer Treaty.
—— Death of President Taylor. Fillmore becomes President.
1852 Rise of the "Know-Nothing" Party. Pierce elected President. Defeat of the Whigs. Deaths of Clay and Webster.
1854 Kansas-Nebraska Act passed, providing for creation of territories of Kansas and Nebraska. Struggle in Kansas. New Republican party formed.
1856 Buchanan elected President.
1857 The "Dred Scott" decision.
1859 John Brown's Raid.
1860 Abraham Lincoln elected President. Republicans in power till 1884. The Southern States, led by South Carolina, secede from the Union.
1861 First blow in the Civil War struck at Fort Sumter.
—— Virginia joins the confederate South. Lee made Commander-in-Chief.
—— Defeat of the Federals at Bull Run.
1862 The Seven Days' Battles. Second defeat of the Federals at Bull Run. Battle of Antietam. Grant in Tennessee. Farragut on the Mississippi. Fight between the *Merrimac* and the *Monitor*. Fall of New Orleans.
—— Lincoln issues Proclamation of Emancipation.
—— Lee invades Maryland. Battle of Fredericksburg.
1863 Final decree of emancipation. Battle of Chancellorsville. Death of Stonewall Jackson.
—— Lee invades Pennsylvania. Battle of Gettysburg. Capture of Vicksburg. Surrender of Port Hudson. Battles of Chickamauga and Chattanooga.
—— Conscription law passed by Congress.
1864 Battles of the Wilderness and Spottsylvania. Sherman's Raid. Capture of Atlanta. Battle of Nashville. Capture of Savannah.
—— Early threatens Washington, but retires. Naval battle in Mobile Bay.
—— Lincoln re-elected President. Capture of Wilmington.
1865 Fall of Richmond. Lee surrenders at Appomattox. End of the War.
—— Assassination of Lincoln. Johnson becomes President.
—— Thirteenth Amendment adopted.
1866 Proclamation of peace and order in the United States.
1867 Reconstruction Acts passed by Congress.
—— Alaska purchased from Russia by the United States.
1868 Fourteenth Amendment adopted. Impeachment of Johnson. Grant elected President. Treaty with Nicaragua.
1869 First railway between Atlantic and Pacific Oceans completed.
1870 Fifteenth Amendment adopted.
1871 Reform of the Civil Service. Treaty of Washington (*Alabama* claims).
1872 *Alabama* arbitration. Grant re-elected President.
1876 Hayes elected President.
1880 Garfield elected President. Abrogation of Clayton-Bulwer Treaty demanded.
1881 President Garfield assassinated. Arthur becomes President.
1884 Cleveland elected President. Domination of Republican party ends.
—— Canal Treaty with Nicaragua.
1886 Fisheries dispute with Great Britain.
1888 Bayard-Chamberlain (Fisheries) Treaty.

1888 Sackville incident. Harrison elected President.
1889 Condominium of United States, Great Britain, and Germany established in Samoa.
1890 McKinley Tariff Bill passed.
1892 Cleveland re-elected President.
—— Republic proclaimed in Hawaii, and recognised by United States.
—— Treaty for Behring Sea arbitration.
1894 Chicago riots.
1895 Reform of Civil Service. Venezuelan dispute. Beginning of Cuban insurrection.
1896 McKinley elected President. Venezuelan arbitration agreed on.
1897 General Arbitration Treaty rejected by Senate. Dingley Tariff Act.
1898 Annexation of Hawaii.
—— U. S. S. *Maine* blown up at Havana. Outbreak of war with Spain. Destruction of Spanish fleets at Manila and Santiago.
—— Capitulation of Santiago. Peace of Paris cedes Philippines and Porto Rico to the United States, and liberates Cuba.
1899 Act for preservation of gold standard. Conference at the Hague. Venezuelan arbitration concluded. Alaska Boundary Conference fails.
—— Treaty with Spain ratified. Insurrection in the Philippines.
1900 McKinley re-elected President. Hay-Pauncefote Treaty fails in Senate.
1901 President McKinley assassinated. Roosevelt becomes President. Hay-Pauncefote Treaty supersedes Clayton-Bulwer Treaty. United States Steel Corporation formed.
1902 Venezuelan blockade. American occupation of Cuba ceases.

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